THE

AMERICAN CITIZEN

MALTBY

Property of P.S. No. 1

$\frac{1}{2} \times 2 = \frac{2}{4}$

$\frac{3}{4} \times 1 = \frac{3}{4}$

$\frac{1}{2} \times 2 = \frac{2}{4}$

$\frac{1}{4} \times 1 = \frac{1}{4}$

$\frac{1}{2} \times 2 = \frac{2}{4}$

$\frac{1}{2} \times 2 = \frac{2}{4}$

$\frac{12}{4)12}\,|\,3$

$\underline{12}$

Digitized by the Internet Archive
in 2025

https://archive.org/details/bwb_S0-CJG-358

THE AMERICAN CITIZEN IN THE COMMONWEALTH OF PENNSYLVANIA

The Civics of the State and of the United States

BY

ALBERT E. MALTBY, C.E., Ph.D.
Principal of the Slippery Rock State Normal School

PRESS OF
ZIEGLER PRINTING CO.
BUTLER, PA.
1909

COPYRIGHT, 1902
BY
ALBERT E. MALTBY

PREFACE

The purpose of this work is to present to the pupils in the public schools in the Commonwealth some practical information as to the rights and duties which belong to American citizenship. The study of civics is now receiving increased attention in our schools, particularly since the school laws require that teachers shall have a fair knowledge of civil government, including State and local government. In view of this legislation, a text-book to meet the needs of the schools should treat the local and State government as at least of equal importance with that of the Nation. It has been said that many a youth has grown to manhood with so little appreciation of the Commonwealth in which he lives as to regard it simply as a geographical division. The study of the State government and of the National government are of equal importance.

The student of civil government should begin with that which is near at hand and of immediate interest, and proceed to that which is distant and of remote concern. He should not begin with that rare and precious afterthought and flower of government, the Constitution of the United States, but with the material and forms that are close at hand. In connection with the ordinary lessons in reading, the children should be made acquainted with words suggesting civic ideas, as citizen, soldier, officer, law, justice, country, state, city, and nation. Then,

in elementary lessons, the children should gain general notions of local government and organization, the duties and rights of citizens, suffrage and elections, and kindred topics. Then should come a study of the organization of the State,—the legislative, the executive, and the judicial powers; and taxation, corporations, education, etc. Then may come the study of the political, legislative, administrative, and judicial organization of the United States as shown in the Constitution.

Let the teacher endeavor to contribute to the elevation of the pupil's ideal of citizenship, and thus labor for the improvement of the quality of the citizen. The pupils should not only know something about the government and their own relation to it as subjects and as sovereign-citizens, but, becoming filled with the spirit of good citizenship, should be led to the discipline and practice of the same. A boy, on his return from school at noon on election day, said to his father, "Papa, have you voted?" "No," said the father. "I did," responded the boy. To his surprise the father found that under the eye of the teacher an election had been held before the opening of school, and that after school the votes were to be counted, and the result announced. That was practical teaching. Similar devices may be used in illustrating many other points in practical civil government, and the primary ideas of government be developed from the very games of the children.

Much of the education which shapes a child for his duties as a man and a citizen is that which he gains from the influence of his home, and of the community in which he lives. The schools must do much more than enforce needed discipline, cultivate intellectual tastes, and in-

struct in the means for obtaining a livelihood. Manly and womanly honesty, generosity, virtue, and patriotism must be taught in every schoolroom in the land. Patriotism is the noblest passion that animates man in his character as a citizen. We cannot hope to make radical changes in the lives and impulses of the multitudes that come to our land as a natural refuge from the tyranny of other countries; but the nature of our free institutions may be taught to the children, and thus the youth of the land may be trained and brought upward to intelligent thought and action in regard to patriotic citizenship. The theory upon which the public free school supported by the State rests is that it is absolutely necessary, in our system of popular government, that the voters should have intelligence enough to perform the requisite duty of voting. It is admitted that ability to read and write is essential to the exercise of citizenship in such a government as ours. But if it is the duty of the State to give sufficient education to the voters to enable them to know for whom and for what they vote, then the State may logically go a step further and instruct them in the fundamental nature of their government. There can be no knowledge more necessary to the voter than that of the real nature of the government he is called upon to help administer.

Intelligence is necessary somewhere in conducting any government; and a popular government resting upon universal suffrage certainly cannot be successful unless the voters are intelligent. But while people may inherit certain traditional notions of government, we cannot assume that anybody is born with a good working knowledge of the Constitution of the United States. Even if

such knowledge were the birthright of the native-born, it cannot be assumed for the foreigner made a citizen, born and reared in conditions totally different from ours, nor for his children inheriting his ideas, nor for the millions of colored citizens in the South. The girls and boys in our public schools need elementary instruction in the nature of our complex government, in order that they may gain fundamental conceptions of what our government really is, and of their own relation thereto. Considering how much is at stake, the State cannot more profitably spend its money than by making young citizens intelligent about their own government and their own country. Mrs. Browning's words in "Mother and Poet" ring true to the heart of the mother and teacher, and to the sacredness and grandeur of the Nation as she sings:—

> To teach them—It stings there!—I made them indeed
> Speak plain the word country. I taught them, no doubt,
> That a country 's a thing men should die for at need.

The social value of education has received recent recognition through the idea that education is a preparation for citizenship. Individual and social welfare, happiness and righteousness, depend more largely than has ever before been acknowledged upon the relations existing between persons and classes in institutional life. This new aim requires that great attention be paid to the formation of character, social habits, altruistic and patriotic motives.

A. E. M.

State Normal School, Slippery Rock, Pa.

January 1, 1909.

CONTENTS

CHAPTER		PAGE
	Preface	i-iv
I	Society: Rights: Government	1
II	The Keystone State	12
III	Early Governments in Pennsylvania	18
IV	Local Government	24
V	Townships and Township Officers	28
VI	Boroughs and Cities	37
VII	County Government	51
VIII	The State Government	61
IX	The Legislature	63
X	The Executive Department	72
XI	Other State Officers: State Boards	82
XII	The Judiciary (I)	91
XIII	The Judiciary (II)	98
XIV	Impeachment and Removal: Oath of Office	109
XV	Suffrage and Elections	111
XVI	Parties and Nominations	127
XVII	Taxes and Taxation	133
XVIII	Corporations	142

XIX	Railroads and Canals	147
XX	Origin of the School System	153
XXI	Education: The Schools To-day	163
XXII	Development of the State Constitution	174
XXIII	Bill of Rights	178
XXIV	The State and the Nation	185
XXV	The National Legislative Power	189
XXVI	Powers of Congress	203
XXVII	Powers denied to Congress, and those denied to States	218
XXVIII	The Executive Power	224
XXIX	The Cabinet: Executive Departments	239
XXX	The Judicial Power	252
XXXI	Relations of the States	260
XXXII	The Amendments	273
XXXIII	Civics and History Coördinated	291
XXXIV	The Constitution of Pennsylvania	355
XXXV	The Constitution of the United States	388
	Biographical Tables	402
	Index	405

CHAPTER I

SOCIETY: RIGHTS: GOVERNMENT.

1. Knowledge of Government.—An essential factor in securing our own happiness and that of those with whom we are associated is a knowledge of the nature and operation of the government under which we live. The great object of government is the securing of justice among men. In order that men may live in peace together, there must be laws restraining them from acts of injustice and protecting them in the enjoyment of their rights. The function of government is to make and execute such laws. The importance of a knowledge of government becomes very great to a citizen of a republic because he has a part in choosing those who make and execute the laws, and thus to some extent may justly be held responsible for the government.

2. Society.—Man is by nature a social being; that is, he has no natural desire to live alone, but rather to join other men and to associate with them. The simplest and most original association of human beings is found in the family, and this is the foundation of all society. Human interests cannot be solitary; any one interest is related to all others. So families unite to form groups or tribes or communities. The reason why human beings unite to form groups is because of the feeling that only by means of a common order of communication and protection can the best interests of all be secured. These common purposes and bonds of nearness and intercourse give a group or

community the qualities of a public alliance or union. Such a group is called a social unit; and living in such a group or community constitutes a state of civil society.

3. Benefits of Civil Society.—One man can do very little alone, but when he unites his efforts with those of others he can accomplish great results. Yet each man must to a large extent have the care of himself. If every person were provided for from a common store, amassed by the labor of all, many, depending upon the labor of others, would not be industrious, and so the supplies would be decreased. The present arrangement obliges each man to provide for his own wants and those of his immediate family. Thus more is earned, and the general welfare is better promoted than if each labored directly for the benefit of all. But the direct benefits of a civil society are great and lasting. As for material advantages, we enjoy not only the fruit of our own labor, but, in large degree, that of the labors of others. Without civil society, man would remain in a state of ignorance, since each individual would be obliged to begin at the very beginning of all that has been done. But as society now is, each generation bequeaths an intellectual inheritance to its successor. Man is the heir of all the ages, and this makes progress possible. Separated from others, man would become fierce and savage; brought into the society of others, his manners soften, and his moral and religious nature develops.

4. Grades of Culture.—Man is the only animal that is able to pass all barriers and to live in nearly every part of the earth. He is able to do this because, in addition to his really superior physical powers, he possesses high intelligence. He has overrun the earth and in a large measure subdued it, because he can think, plan, contrive, and reason. He makes other animals and the elements and

forces of nature the servants of his will. In his higher stages of civil society, he no longer depends upon his own muscular strength nor upon that of animals; but by use of iron, steel, and other metals, he employs the greatest forces of nature.

The progress made by any group of men toward the attainment of permanent food supply, proper clothing, substantial dwellings, and power over the forces of nature furnishes a direct measure of their culture, and the grade or stage of society. Thus we consider as in the *savage* state all those who live chiefly by hunting and fishing, use rude implements, wear little clothing, and have no permanent dwellings. A grade higher, as in a state of *barbarism*, may be put those who use rude tools of metal, have domestic animals, weave cloth, and have houses; but who have not as yet learned the use of writing. This is the entering wedge of *civilization*, since man transmits, by means of writing, the knowledge from one generation to another. Through the various grades of civilization man passes to the highest grade, in which the inventions and discoveries of mankind are in general placed at the service of all. Wherever these conditions prevail, the people are *enlightened*.

5. The Nation the Highest Community.—The highest community is the nation or state. It is a portion of mankind, united by firmly established organization, and limited to clearly defined country or territory. The human beings belonging to a nation are the people. The nation then, in this sense, is the body of inhabitants of the country, speaking the same language in general, and having common interests and the same history. These people obey the same laws, and recognize the same power and authority.

6. The Government.—The object of the people in entering into civil society is to promote their mutual safety and happiness. For this purpose they agree to be governed by certain established rules and principles. These rules for regulating the social affairs of men are known as *laws*. Man has a moral nature, that is, he has a sense of right and wrong, or the power to acquire it. He is a moral agent, and is therefore responsible for his actions. In order to secure to all their individual and collective rights, a certain organization must be created, and certain officials appointed who shall be recognized by all as having the authority and the right to issue commands that should be enforced. Such an organization, and the rules and principles by which the people are regulated and controlled, is called *a government;* and the society in which such an organization has been instituted is, called a *state* or *body politic*. The persons who administer the government, that is, those who make the laws and carry them into effect, are called *the government*.

7. Forms of Government.—Government is then the collective powers that administer public authority. In general terms there are but two great forms of government under which all kinds may be classed: namely, monarchies and republics. In a *monarchy*, whether kingdom or empire, the monarch exercises power as a personal right, transmitted by succession. But the state may have acquired a fundamental law called a *constitution* and this defines the form of government and the rights of subjects. When the authority of a monach is not limited by a constitution, the government is an *absolute monarchy*. When his authority is defined by a constitution, the government is a *limited* or *constitutional monarchy*. The word republic means a public thing—the government of all. A *republic*

is a government in which the power to enact and administer the laws is exercised by representatives, who are persons elected by the people to act for them. Our form of government in the United States is therefore a republic. Yet not only the election of the representatives, but the adoption of the constitution itself is an act of the people; therefore, since all power comes from the people, the form of government is also *democratic*,—that being the term applied to a government in which the power rests directly with the whole people. Our nation is properly called a *democratic republic*, or a *representative democracy*. A pure democracy could exist only in a country of very limited extent.

A form of government in which the power is in the hands of a select few is called an *aristocracy*. There are no governments of this form in existence to-day, although most national governments exhibit aristocratic tendencies. In nearly all European countries one house of the legislative branch is composed of members who hold their seats on account of noble birth, thus admitting the aristocratic element into the government.

8. The Republican Form Superior.—A republic is the only form of government consistent with the recognition of the people as the source of power. It is preferable to any form of monarchy because, through the exercise of the right of suffrage, the people control their own affairs instead of submitting blindly to one person who is able to place his own interests above those of the nation. The heir of a good king may be incapable of governing well; but in a republic, the President is selected from the most able men. In a republic men are free citizens. The power of the law, sustained by public opinion, is much better than the power of the sword, sustained by the hand

that wields it. The keynote of our government is expressed in the saying of Lincoln: "Ours is a government of the people, by the people, and for the people."

9. A Commonwealth.—The term *commonwealth* is often applied in a general sense to signify the state. The original word was *commonweal*, meaning strictly the common good or the common happiness. A state in which the people enjoy common rights and privileges is properly so-called; hence the term commonwealth is sometimes used in speaking of the States of the Union. The term is used throughout the Constitution of Pennsylvania.

10. The Object of Government.—Aristotle says that a state or government is in a sense one of the works of nature, and that man is naturally a political animal. There have been, however, governments in the world for ages, but the truth in regard to the rights of man has not been long accepted. God has created in every individual certain inherent rights. All men are born with equal rights. To understand and to live this great truth is the privilege which the people of the United States hold by the law of the land. The primary object of all government is to secure to individuals and to nations their rights. Justice is therefore the fundamental idea of the state, and the great end of government.

11. The Rights of Man.—There are four great classes of rights and duties possessed by men as members of society. The government protects the individual in the exercise of these rights, and requires the performance of the equally important duties. The rights are classified as *individual*, *social*, *political*, and *religious* or *moral*.

Among the individual rights are the right to personal liberty, personal security, and the right to property. That which we have acquired by honest labor, or by other law-

ful means, is rightfully our own. We have also the right to be secure from injury to the body, or person, or good name; also to the liberty of acting, moving, and speaking without unjust restraint, so long as we do not trespass upon the rights of others.

Social rights are those which are secured to a citizen through his relation as a member of the state or nation as a whole. The right of the child to receive an education is a social right; while upon the parent and the public is imposed the equal social duty to provide it. Society can exercise its undoubted right to see that laws are observed as to the preservation of the public health, cleanliness of streets, and the maintenance of public order. Should the rights and interests of an individual conflict with the needs of society, then the individual right yields to the higher right. This right of society, exercised through the state or a corporation in regard to property, is called the right of *eminent domain*.

Political rights are those which belong to the people in their political capacity. The right of the people to choose and establish for themselves a form of government, to adopt a constitution, and to elect persons to administer the laws, are examples of political rights. The right to vote at elections is a political right or privilege.

Political rights and duties are of such importance that powerful parties are organized to set forth their ideas, to give time and money for the support of these opinions, and to settle the questions which arise through the peaceful means of the elections, or the compulsion of the sword. Political rights and duties affect all our opinions concerning human laws.

Religious rights consist in the right of every individual to make known and maintain his religious opinions, and

to worship God according to the dictates of his own conscience. This is the right of conscience which is the voice of God in man. In the exercise of this right, however, a man may not abuse it by violating the rights of others, or by disturbing the peace and order of society. Moral duties arise in connection with religious freedom. All good government tends to the preservation of the morals of the people.

12. Liberty—Civil and Religious.—Liberty is the privilege of being free to exercise our rights and to enjoy them. It is called civil liberty or religious liberty according to the kind of rights concerned. Thus, the free use and enjoyment of civil or political rights secured to us by the laws is called civil liberty. It implies freedom—that is, absence of physical or moral coercion. Civil liberty includes freedom of thought, of speech, and of the press; also freedom of locomotion, of assembly, and of the ballot. The freedom of religious opinion and worship is called religious liberty. The words right and liberty have not the same meaning. An individual may have rights which he is not at liberty to exercise.

13. Citizenship.—American citizenship is the state or condition of being vested with the rights and privileges of an American citizen. All men, women, and children born within the United States and subject to its jurisdiction, irrespective of age, sex, or condition are presumptively citizens. Others may be admitted to citizenship through naturalization under general laws. Every citizen of the United States is also a citizen of the State in which he resides. Citizenship is hereditary; the children of citizens are citizens of the United States, even though they may have been born in a foreign country.

The people living in this country may be divided into two classes—*citizens* and *aliens*. The citizen is a member of the body politic, owes obedience to the government, has the full protection of the laws, and has such rights of holding office and voting as the constitution allows. However, not all citizens are *electors*; an elector is a citizen who has the right to vote.

An alien is a person who owes allegiance to a foreign country, but enjoys such rights as the country in which he resides sees fit to grant to him. Among such rights usually granted may be named the power to acquire and own land. Strictly speaking, an alien cannot exercise political rights; but many States in the Union permit aliens, after a short residence therein, and after declaring their intention to become citizens, to exercise the elective franchise. When an alien is thus allowed to reside in the State, to hold property, and to vote, the distinction between him and a citizen is not very clear.

Indians who still retain their tribal relations are not citizens; and they are therefore only in a qualified sense subject to the jurisdiction of the United States.

14. Naturalization.—An alien may become a citizen of the United States by naturalization. This makes him also a citizen of the State or Territory in which he resides, but it does not necessarily give him the right to vote. The requirements for naturalization are fixed as follows: Five years' residence in the United States, and one year's residence in the State where the privilege was sought; two years' preliminary declaration of intention to become a citizen; an oath to support the Constitution of the United States; the renouncing of allegiance to any foreigh power, and of all titles of nobility. By virtue of the naturalization of parents, all their children living in

the United States and under twenty-one years of age become citizens. A minor who has resided in the United States three years immediately before attaining his majority, may, after becoming of age and after five years' residence, including the three years of his minority, become a citizen by taking oath that for two years it has been his intention to become such. The naturalization of Chinamen is expressly prohibited by law. The rights of citizenship are forfeited by naturalization in a foreign country, or by desertion from military or naval service. A naturalized citizen is ineligible to the Presidency.

15. Population: Residence.—The population of the country may be distinguished as citizens, or inhabitants, or residents. Citizens are all persons born or naturalized within the United States and subject to its jurisdiction. Collectively they constitute the people or nation. Inhabitants are all those who reside permanently in the country; the term includes citizens and aliens. The term residents is broader still; it includes not only inhabitants, but all sojurners, such as travelers, tourists, and others.

A matter of great importance in relation to citizenship is the question of residence or domicile. A residence or domicile is the place where a person intends to reside permanently. In a political sense the term *residence* is applied to the act or fact of dwelling or abiding in a place for some continuance of time. Under such circumstances a person is said to gain a residence in that place. A person can have but one place of residence, and temporary absence does not change it. A change of location, with the intention of permanently dwelling elsewhere, removes residence from one place to another. Residence regulates the exercise of certain political rights and privileges.

Students do not gain or lose a residence while attending school.

16. Patriotism.—Patriotism is the noblest passion that animates man in his capacity as a citizen. Love of country is natural, and has some of the qualities of an instinct, but is much greater than any mere instinct or passion, since it may become a living principle or motive leading to heroic action. The noblest motive is the public good. Not only should the citizen protect his country from invasion, but he should maintain its laws and institutions in vigor and purity. Thus patriotism becomes the noblest and sublimest of all public virtues. The patriotism which, as a mighty force, moves armies into the battle-lines in times of the nation's peril is not a mere instinct, but a conviction; not a mere impulse, but a determination. It is a principle with all the white heat of passion: loyalty to liberty, and devotion to country.

We should study the history of our country, become familiar with the Nation's institutions, and take an active interest in its affairs. Nor should the closer local form of pride in the records of the Commonwealth which we call our own State be left uncultivated. Every glorious fact in its history should be emphasized, and the names and acts of its great men held in loving remembrance.

CHAPTER II

THE KEYSTONE STATE.

IMPORTANCE: BOUNDARIES: EARLY HISTORY.

17. The Keystone State.—"Let what each man thinks of the state be written upon his brow" was one of Rome's famous inscriptions. The patriotic son of the grand old Commonwealth of Pennsylvania has no reason to blush when he thinks of the record of his State. Pennsylvania was a most potent factor in the adoption of the Constitution of the United States. Among the original States it stood with six free States to the north, and six slave States to the south, a true political "Keystone" to the arch of the Union. Every foot of the Commonwealth is historic ground. What need to go to classic Greece to seek for spots sacred to liberty? The battles of Brandywine and Germantown were fought on its soil, and Valley Forge is within its limits. The graves at Gettysburg mark well the field on which, in one of the greatest battles of modern times, the armies of thirty-four States fought to decide the question of mankind's right to freedom.

Thus, when we realize the important place which the Commonwealth held in the Revolutionary War and in the Civil War, together with the part that its great men had in the establishment and government of the country, it certainly appears as the "Keystone State" in a much broader sense than that ordinarily indicated by the term.

In population and in wealth Pennsylvania is exceeded by

New York alone. Of the other States, 42 have less than half the population or wealth of Pennsylvania, while 21 have less than one-fifth of its population. Only three States approach it in importance. The area is nearly as great as that of England, and is one-eightieth of that of the United States. The population by the census of 1900 is 6,302,115. Under the apportionment Act of 1901 Pennsylvania has 34 electoral votes.

18. Boundaries.—The State of Pennsylvania is bounded on the north by Lake Erie, New York, and New Jersey; on the east by New York and New Jersey, from which it is separated by the Delaware river; on the south by Delaware, Maryland, and West Virginia; and on the west by West Virginia and Ohio. The State is nearly rectangular in outline. Its northern and southern boundaries are parallels of latitude 158 miles apart, broken only by the angle in Erie county, and the scallop in the southeastern corner caused by the Circle of Newcastle. The western boundary is a meridian line. The eastern boundary is the Delaware river, which forms along the border of the State two symmetrical zigzags alternately southeastward and southwestward. The extreme length of the State is 306 miles; the average length 286 miles; and the area 45215 square miles. The State lies between latitude 39° 43′ N and 42° N, except that the triangle extends north to 42° 15′. In longitude it extends from 74° 40′ W to 80° 36′ W. The actual parallels of latitude and the meridians as marked by the boundary monuments are empirical. Pennsylvania has a shore line of 40 miles on Lake Erie.

19. Charter Boundaries.—The boundaries of Pennsylvania, as was the case with each of the original States, were fixed by royal charter. The king and his advisors were alike ignorant of the geography of America, and the char-

ters as granted made hopeless confusion of colonial boundaries, and led to disputes between the States afterwards. The charter of 1681 bounded the province granted to William Penn as follows:

"On the East by Delaware River, from twelve miles' distance, Northwarde of New Castle towne unto the beginning of the three and fortieth degree of Northerne latitude, if the said River doth extend soe farre Northwards; but if the said River shall not extend soe farre Northward, then by the the said River so farr as it doth extend, and from the head of the said River the Easterne Bounds are to bee determined by a Meridian Line, to bee drawne from the head of the said River unto the said three and fortieth degree; the said lands to extend Westwards five degrees in longitude, to bee computed from the said Eastern Bounds, and the said lands to bee bounded on the North by the beginning of the three and fortieth degree of Northerne latitude, and on the South by a Circle drawne at twelve miles distance from New Castle northwards and westwards unto the beginning of the fortieth degree of Northerne latitude; and then by a straight Line westwards, to the limit of longitude above mentioned."

This grant is much more exact in its language than were many of the royal charters, still it contains several terms hard to understand. The circle mentioned does not cross at any point the thirty-ninth parallel—the beginning of the fortieth degree of latitude.

In his petition to the king, Penn describes the country as, "a tract of land in America lying north of Maryland, on the east bounded by the Delaware river, on the west limited as Maryland is, and northward to extend as far as plantable."

It will suffice to say that through confusion in the char-

ters, parts of Pennsylvania have been claimed by Virginia, Maryland, Connecticut, and Massachusetts. Only after long and bitter disputes were the various boundaries located.

20. Mason and Dixon's Line.—The southern boundary line as determined by Mason and Dixon in 1763-67 is historic. The surveyors marked off the line with monuments of stone along the eastern part, and with mounds of earth and stone in the western part. At every fifth mile a stone monument was set up bearing upon its north face the arms of Penn, and on the south the arms of Lord Baltimore. The intermediate miles were marked with stones having P on one side and M on the other. As the two intrepid surveyors proceeded in their work on the line, the Indians, suspicious of this star-gazing folly, stopped them again and again. At last Mason and Dixon were obliged to return, after reaching the Warrior branch Indian trail; and this remained the end of the line for many years. The line was completed in 1784 by David Rittenhouse.

No river, or mountain chain, or other natural feature marks this famous line which became more than the boundary between two States. It marked, during the early part of the nineteenth century, the boundary between two distinct ideas on the continent; the line separating two distinct industrial sections—the free States of the North and the slave States of the South.

If all the controversies between Pennsylvania and other States had been decided against our Commonwealth, it would have been reduced to an insignificant strip of land containing neither Philadelphia nor Pittsburg.

21. The Founder of the Commonwealth.—William Penn, who in an age of persecution made religious liberty the corner stone of a frame of government, was the foremost man among the Quakers; and one of the most remark-

able men of his time. His fame is as wide as the world; and he has gained abiding glory as the man who was able, with unarmed hands, to establish in the wilderness a mighty Commonwealth by the rules of justice and moderation. The way in which he did this deserves our notice.

22. Charles the Second Pays a Debt.—Actuated by a desire to found a colony where civil and religious liberty might be enjoyed, and the people might dwell together in peace, Penn petitioned King Charles II. to grant him the land now comprised within the limits of Pennsylvania in payment of debts which the government owed to his father, Admiral Sir William Penn. The king gladly consented, and in 1681, Penn received a grant of the region stretching from the Delaware river westward through five degrees of longitude.

23. Named in Honor of Penn's Father.—Against the wishes of Penn, who desired to call the new province "Sylvania," the king named it Pennsylvania or "Penn's Woods." The charter gave title to more than 45000 square miles of land, which was increased next year by purchasing from the Duke of York the "Three Counties upon the Delaware"—the present State of Delaware.

24. Treaty and Settlements.—At that time the present limits of the State were inhabited only by Indians, with a few Swedes and Dutch settled along the lower Delaware. Penn bought the land over again from the Indians, and made a treaty of peace with them which remained unbroken for more than fifty years.

The real settlement may be said to have been made in 1681 by the Quakers who came over in that year. The next year, Penn himself arrived, bringing with him a hundred colonists of his own faith to found Philadelphia, the city of "Brotherly Love."

THE LAST STONE ON THE MASON AND DIXON LINE

25. The First General Assembly. — Landing at Newcastle, in the territory purchased from the Duke of York, he received the submission of the settlers and assured them of his protection. About two months afterward he went to Upland, which he named Chester. On December 4, 1682, the first General Assembly ever held in Pennsylvania was called together at Chester; and William Penn, by the aid of the people, enacted the "Great Law" by which the new colony was to be governed. Pennsylvania, like all the colonies founded after 1660, was a proprietary colony. Penn was the owner of the land; from him the settlers obtained the right to occupy it and to build houses and make improvements; to him they paid their rents. But to this feudal principal was opposed Penn's firm belief in the equality of men. Under the influence of this latter principle the colony of Pennsylvania became at last one of the truest examples of a thoroughly democratic government. The words of Penn ring true: "Government depends rather upon men than men upon government. Let men be good and the government cannot be bad."

CHAPTER III

EARLY GOVERNMENTS IN PENNSYLVANIA

26. Penn's Frame of Government.—The plan of government which Penn drew up for the control of his new colony was prepared in England before the first band of emigrants set out for the province under Captain William Markham, the cousin of the Proprietor. The spirit shown in the germ of the proposed government was largely republican in character, although the charter had given Penn great power in the province. Inscribed upon the walls of Independence Hall, side by side with the Declaration of Independence, are these words taken from the preface to the "Frame of Government" which Penn gave to the colonists in Pennsylvania:—

"Any government is free to the people under it, whatever be the form, where the laws rule, and the people are a party to those laws; and more than this is tyranny, oligarchy, and confusion."

The words above given reveal a two-fold foundation for government. The people are to make their own laws, and in return for this privilege give willing obedience to those laws. "For liberty without obedience is confusion, and obedience without liberty is slavery." Thus liberty and obedience were to be the foundation principles of that "holy experiment" in establishing a free colony by the light of the Golden Rule.

27. Outline of the "Frame."—In order to attract to his colony emigrants from the various countries, Penn caused the "Frame of Government" to be published. According to the provisions of the "Frame," the government was vested in the Governor and the freemen of the province. The freemen were to elect from their number the Provincial Council and the General Assembly. The Council was to consist of seventy-two members; the General Assembly was to consist of all the freemen during the first year, of two hundred the next year, and that number to be increased with the people up to five hundred. The Governor, or his deputy, was the presiding officer of the Council, and his vote had triple power.

28. Powers of the Council.—The powers of the Provincial Council under the direction of the Governor were executive, legislative, and judicial. Thus it was authorized: to originate bills; to execute the laws diligently; to provide for public peace and safety; to locate all cities, ports and market towns, design all public buildings, and locate streets and highways; to inspect the public treasury, and punish misuse of the funds; to erect and order all public schools; to encourage and reward authors and inventors; and to erect the various courts of justice.

29. The General Assembly Had Small Power.—Although the purpose of the election of the General Assembly was to give the more full concurrence of the freemen to all laws prepared by the Governor and the higher representative body, the powers actually exercised by the General Assembly were small. The charter granted by Charles II. had clothed Penn with full powers of government, subject to the condition that the advice and consent of the freemen was necessary except in cases of emergency. The General Assembly, in the Frame of Government pro-

posed by Penn, was not able of itself to legislate, and no direct debate upon the bills was allowed. During the preparation of such bills by the Provincial Council, the members of the General Assembly might suggest to a committee of the Provincial Council any alteration or amendment; but when the bill was presented to the Assembly, all that the members of that body could show of power lay in the plain yea or nay of their votes. The Assembly could nominate a double number of persons to serve as sheriffs, justices of the peace, and coroners; and from these the Governor selected and commissioned those whom he would appoint.

30. Perfect Religious Freedom.—Foremost in the line of liberties granted by the Frame of Government must stand the provision made for perfect religious freedom. "All persons living in this province, who confess and acknowledge the one Almighty and Eternal God to be the Creator, Upholder, and Ruler of the world, and that hold themselves obliged, in conscience, to live peaceably and justly in civil society, shall in no ways be molested or prejudiced for their religious persuasion, or practice, in matters of faith and worship."

31. The "Great Law."—The Frame of Government as published by Penn was composed of twenty-four articles and forty laws. When Penn called together the General Assembly at the Swedish town of Upland, some amendments were made to the Frame of Government, and some additions made to the accompanying laws. In three days these early legislators, having completed the amendments, adopted the "Great Law" and adjourned.

32. Features of the "Great Law."—The amended "Frame" set forth the following features:—(1) Every man free to worship God in whatever manner his conscience demanded; (2) any man who was a member of a Christian

church could hold office, and was eligible to the General Assembly; (3) all resident taxpayers had the right to vote; (4) the death penalty was inflicted for two crimes only,—murder and treason; (5) every colonist could demand trial by jury; (6) every prison was to be made a workshop and place of reformation. This last feature was an entirely new idea in prison management.

No child should be brought up in idleness, but all should learn some useful trade. The laws of the colony were to be taught to all children.

33. The Seed of a Nation.—The country around Philadelphia was very fertile, and the reports which the colonists sent back to England were very favorable. Colonists came to the new colony in great numbers, attracted by the reputation of Penn and by the promise of religious liberty. The new colony prospered in a very remarkable degree, and the emigrants were, as Penn had declared, "the seed of a nation." When Penn returned to England in 1684, fifty townships had been settled, and a flourishing capital city established.

34. The "Charter of Privileges."—After Penn's return to England, grave disputes arose between the colonists and the Deputy-Governor. The Council soon ceased to be representative in any large degree: since the members were appointed by the Proprietary, instead of being elected by the people as was originally intended. The General Assembly demanded greater powers, and refused to act under the old form of government. The colonists did not fulfill their pecuniary obligations to the Proprietor. When William and Mary came to the throne of England, Penn was suspected of disloyalty; and in 1692 the control of the province was taken from him, Governor Fletcher of New York being appointed in his stead. Two years afterward Penn

was restored to power, and to allay the discontent of the colonists, various plans of government were tried and rejected. Penn returned to the colony in 1699, and in 1701 granted the "Charter of Privileges," which remained the fundamental law of the land until the adoption of the first State Constitution in 1776.

35. Provisions of the Frame of 1701.—The "Charter of Privileges" was in reality a written constitution in which the powers of the freemen, already granted under the preceding "Frames," were greatly increased. It provided (1) that no person believing in one God should be molested on account of religion; but (2) Christians only, could take part in the government; (3) property relations could be disturbed by legal process alone; (4) a General Assembly consisting of a single house should annually be elected by the freemen,—meaning the taxpayers; (5) this assembly should have the rights of free-born subjects of England, in so far as was conformable with their position as colonists; (6) the Proprietary should be represented by a Governor and Council possessing the right of veto; (7) freedom of conscience was not denied to Roman Catholics; (8) the constitution could be amended, except as to religious freedom, by the concurrence of the Governor and six-sevenths of the members of the General Assembly.

36. Death of Penn: Controversies.—Penn returned to England in 1701. Misfortunes soon came to him and he became involved in debt. In 1712, while seeking to dispose of his control of Pennsylvania to the Crown, he was stricken with apoplexy and became incapable of business. He died in 1718, and left all of his affairs in a very unsettled condition. His sons succeeded to his interests, but cared little for the safety and peace of the colony. It would seem that their object was to get all they could out of it, and

spend nothing npon it. The vast tracts of land owned by the Penns were untaxed; yet the colonists were obliged to defend at their own expense the entire colony, including these untaxed estates. Controversies arose. The Assembly refused to submit to such injustice, and contended that the rents were originally intended to meet the expenses of government. Franklin was sent to England to protest; and, after much labor, succeeded in so far at least that the Proprietors were no longer able to boast that their untaxed lands were nevertheless protected at the public cost. But the attempt to make Pennsylvania a royal colony failed. The Proprietorship stood until it was swept away by the Revolutionary War. In 1779 the entire claims of the Penn family were purchased by the State of Pennsylvania for $650,000.

CHAPTER IV

LOCAL GOVERNMENT

37. Local Units.—The State of Pennsylvania is divided into sixty-seven counties which elect officers to attend to the administration of the business of the county and of its courts. These counties are divided into townships, each of which elects officers to levy and collect taxes, to maintain the public schools and roads, and to prevent disorder and crime. The general term of the officers elected is three years. Communities may be separated from the township to form boroughs, and large boroughs may form cities. Counties and townships have no power to make laws for their own government, but are under the action of uniform State laws. Cities and boroughs are also subject to the general State laws, but through their councils and mayors or chief burgesses, may make minor laws for their own government and welfare. Such, in brief, is the State system of local government; but, in order to understand it thoroughly, attention should be paid to some of the points which characterize the system as administered in our own and in other States.

38. General Characteristics.—The types of local government differ widely in the several States of the Union, yet possess some general characteristics. Great freedom of action, and broad scope of function is given to local authority. The law is uniform, and derived by Legislative enactment; but the power to execute is local. Each locality

must see to it that the State laws are carried out. Local officers look to State laws for authority, and State officers serve to unify the local governments. Thus local administration is practically *the* administration of the State.

39. The Township Type.—Each State has its own system of local divisions and authorities, created and controlled under its own laws. Three leading types of local government are at present to be found in the United States. The first is characterized by its unit the town or township, and is found in the New England States. The settlers of that part of the country came from towns, and the character of the soil and the conditions of the new country and of life made it necessary that the people should dwell in towns. Along the seashore and on the banks of rivers they planted their little communities, each enclosed by a stockade for protection against the Indians. Each was surrounded by its common pastures and farming lands, managed by officers chosen for that purpose. Each settlement was obliged to be self-reliant and self-governing, and was, in fact, a miniature commonwealth controlling the property and persons of its members. Every year the inhabitants of such township came together in mass-meeting to make laws for its government. As yet the county had no corporate existence. Afterwards these townships became united into counties; and the colony, and, afterwards the State, assumed superior authority through its Governor and Legislature. Yet the townships have held their position to this day as the true political units of New England, and the solid foundation of the structure of self-government.

40. The County Type.—The second type of local government is characterized by the larger unit, the county, and prevails in the Southern States. The men who settled in Virginia and the Carolinas were not accustomed to the

local self-government characteristic of the colonies planted in the colder climate of the North. They were often men from the upper classes of society, country gentlemen, accustomed to the government of the county or shire. They settled in a land where the Indians were comparatively peaceable, and there was therefore little need of union for protective purposes. The estates were large, the soil was fertile, and the climate too hot for white labor. Slaves were soon imported to cultivate the land. The land-owners were enriched, and each became the center of a group of free dependents, as well as master of large numbers of slaves. When local divisions had to be created, large areas were necessarily embraced, and counties modeled upon the English shires were the result. The southern county became a modified English shire with the towns left out; while local government in New England was made up of English towns with the shires left out. Afterwards, for judicial purposes, counties were formed in New England; but the towns kept most of their important functions. In the Southern States the counties were afterwards divided into police districts and election districts, but the county retained the full administrative power. The county form of government is less democratic and less stimulating and educative than that which prevails in the New England States.

41. The Mixed or Compromise System.—The third type of local government combines some of the features of the township system with some of the characteristics of the county system. It may be called the compromise or mixed system, and is found under a variety of forms in the Middle and Northwestern States. In the mixed system, the county is relatively more important than in the New England States; while the township is much more important than in the Southern States. Two features, therefore, mark the

system: one is the importance and power of the county; the other is the activity and political life of the township.

42. Our State has a County-Township System.—Among the States possessing this mixed system we find our own commonwealth. Pennsylvania has a composite county-township system in which the county has great importance and power, although the township must undoubtedly be regarded as the political unit of government. The counties are compact and comprehensive larger units in the formation of the State. The townships are, however, vigorous organisms, holding in check the county authority of which they are very jealous, and giving to government that robust local energy and color which characterize the representative system in our country. This power lies in the traditions of government which the English and Germans alike brought with them from the banks of the Elbe and the Weser.

The laws of the Duke of York made the township the unit of division after the manner prevailing in the New England colonies, from which system they were copied. Penn made the county the unit of division and added the township, borough, and city afterward. Thus the Pennsylvania system became a combination of township and county government unknown elsewhere, or at least possessing many unique features. It sets forth in its various phases the theory of American government in the decentralization of power. If the work of government can be done by the town as well as by the county, it is undertaken by the town. If individual enterprise will fairly perform a certain work, then we prefer no governmental agency. If the duty to be performed lie between the State and the general government, then we intrust it to the State.

CHAPTER V

TOWNSHIPS AND TOWNSHIP OFFICERS

43. The Elemental Unit.—The elemental unit of civil government in Pennsylvania is the township, subordinated to the government of the county, State, and Nation. A citizen is thus subject to several grades of political authority or government. Affairs of greatest importance belong to the National government; a different class of important matters pertain to the sphere of the State; while the local government is divided between the county and township in most cases.

44. Area: Population: Classes.—Townships vary in area and population, but both are usually small. The area is usually about 30 square miles, while the population varies from 45 (Old Forge) to 15143 (Hazel) inhabitants. The whole State is laid out into townships. Each is a creation of law, and a body corporate and politic. By a recent Act of the General Assembly, the townships of the State are divided into two classes. Those having a population of at least 300 to the square mile, as shown by the United States census, are designated townships of the first class; all others are townships of the second class. The form of government is practically the same in all townships of the same class, and is prescribed by the General Assembly.

45. Township Officers.—The laws of the Commonwealth provide for township officers as follows: Justices of the peace, constable, supervisors, overseers of the poor, as-

sessors, tax-collector, auditors, school directors, and township clerk. For election purposes, the electors choose one judge of election and two inspectors; each inspector appoints one clerk.

The officers above named are those provided for in both classes of townships, unless their duties are otherwise assigned by the Act of 1899 erecting townships of the first class. The officers provided for in that Act are enumerated in paragraph 85.

46. Qualifications and Election.—No person is eligible to any township office unless he is a voter in the township. Election occurs annually on the third Tuesday in February. All township officers, except tax-collectors, school directors, and constables, enter upon their duties on the first Monday in March next after their election to office. Tax-collectors assume office on the first Monday in April after their election, while school directors take office on the first Monday in June. The term of the township constable begins on the first day of next court of quarter-sessions after election.

47. The Justice of the Peace.—The justice's court is of the simplest kind, and is the court of greatest antiquity. The officers of this township court are the justice of the peace and the constable. The justice of the peace is usually both judge and jury, but he may on occasion impanel a jury of six men. The principal duty of this officer, in so far as criminal matters are concerned, is to issue warrants for the arrest of persons suspected of crime, and to give preliminary hearings. For minor offenses he may impose a fine, and even a short term in jail; but for serious offenses, he binds the person over to the county courts for trial if the evidence is against the accused, releasing him on bail until the time of trial.

The final jurisdiction of this local court in civil matters is restricted to cases not involving more than $5.33; but, subject to the right of appeal to the higher courts, the justice of the peace may exercise jurisdiction over cases not involving more than $300. His decision is commonly final in cases not involving more than $100.

Among other duties which may be performed by this officer are the administering of oaths, the taking of acknowledgements of deeds, the attesting of signatures on other documents, the issuing of legal writs, and the performing of the marriage ceremony.

Each township elects two justices (111), and the term of office is five years. Commissions are issued by the Governor (111); but in some townships which have little business it is customary for only one of those elected to take out his commission. The compensation of the justice consists of fees. (*See State Constitution 111.*)

48. The Constable.—The constable holds an office of great antiquity, and is largely responsible for the preservation of the peace of the community. He carries out the directions of the justice of the peace, and, as the peace officer of the township has the right to arrest without a warrant if he himself sees the offense against the law. If he is unable to arrest an accused person on account of violence, or to subdue a riot, he may call upon the citizens to help him. [*posse comitatus*] He is required to make a full report to the court as to the peace and conformity to law in his bailiwick.

The constable also serves notices and executes warrants and writs issued by the justice of the peace. He is the ministerial officer of the township. He executes search warrants, subpœnaes witnesses, and sells goods that have been levied upon to satisfy debts. He is empowered to arrest

vagrants and to confine them. Certain important duties as to elections are required of him. He must give public notice of an election, preserve order at the voting place, and be present in the voting room during the counting of the vote. He delivers certificates of election to township officers. His term of office is three years, and his pay consists of fees fixed by law.

49. The Supervisors.—The supervisors represent the township as a body corporate, may acquire and dispose of property, and be a party to suits at law. Their principal duty is to direct the repair and construction of township roads and bridges. In some counties they are called road commissioners. They levy the annual road tax, and see that it is collected. It is a common practice with many tax-payers to work out the road tax. Supervisors must see that guide posts are erected at the intersection of roads; and failure to comply with this provision subjects them to a fine not exceeding $10 for each offense. The supervisors are authorized by law, at their option, to purchase a suitable lot of ground and to erect thereon a town house in which to hold elections, store road machinery, hold meetings of township officers, or use for other township purposes. The supervisor may exercise the duties of the constable under circumstances arising from the negligence, death, or absence of that official.

The law provides that two supervisors shall be elected annually, but by direct vote the qualified electors in any township within the Commonwealth may decide to elect a greater number. The term of office is one year. The compensation is five per cent. commission for the collection of the road tax, and $1.50 per day for the time actually devoted to the work on the roads or the to other public business.

50. Overseers of the Poor.—In some counties the commissioners have not erected and equipped almshouses for the care of the poor; where this is the case, the township elects overseers of the poor, who are responsible for the care of such persons. In some townships the supervisors are overseers of the poor. The paupers are furnished aid in their own homes, or other people are paid for taking care of them. The overseers fix the amount of the poor tax, and receive a small compensation from the poor fund. There are two overseers, one being elected annually for a term of two years.

51. The Assessors.—The assessors prepare lists of the names of all taxable persons in the township, together with a description and valuation of all their property subject to taxation. One assessor is elected for three years, and in the last year of his term two assistants are elected to serve for one year, With such aid he assesses or values all the taxable property in the township during the third year, and this valuation is called the triennial assessment. Opportunity is given the taxpayer to have correction made in the valuation of his property. In the other two years the regular assessor merely makes such corrections in the lists as the circumstances warrant. Voters who own no property are assessed for their profession or occupation. The assessor receives from the county commissioners a statement of the amount of money required from the township as its share of the county expenses. To this he adds the township expenses, and the whole amount is raised by taxation properly apportioned.

Under the school law making attendance compulsory, the assessor is required to make a careful and correct list of all children between the ages of eight and sixteen years within

THE WARRIOR BRANCH INDIAN TRAIL

the district, and return the same to the county commissioners.

The assessor prepares annually a list of all the persons in the township who are qualified to vote. The assessors are paid $2.00 for each day spent in the duties of the office.

52. The Collector of Taxes.—This officer is elected for a term of three years, and his duties are indicated by his title. The manner of the collection of taxes varies, however, in different townships. While the constitution restricts special legislation (52), many special laws of an earlier date than the present constitution are still in operation. In general, the duties of the tax-collector are to receive the tax duplicates from the officers who make the levies, and to attend at a stated place, at the proper time, to receive taxes and issue receipts therefor. In some townships the collector receives all taxes—State, county, and township, as well as school tax. In some places school directors have their own tax collectors; and the county treasurer in some townships collects the county taxes. The tax collector receives as compensation a percentum of the money handled.

53. The Auditors.—There are three auditors in office at any time; the term is three years, and one is elected annually. These officials examine the accounts of the supervisors, overseers of the poor, school board, and all other officers who receive or expend township funds. They publish annually a report showing the receipts and expenditures. Copies of this report are filed with the court and with the township clerk. The salary of auditors is $2.00 for each day spent in the transaction of official business.

54. The Township Clerk.—In early times, the duty of the town clerk was to keep "ye accurate recorde of what dothe happene within ye metes and boundes of ye towne." Although social affairs would in all probability be much more

orderly if a record were kept in every community at present, the office of township clerk has become comparatively unimportant. He now acts as secretary for the supervisors, and keeps a record of any stray animals that are reported to him. This office is in many cases left unfilled.

55. School Directors.—The school district is the unit of administration in the educational system of the State. It is a body corporate, and may sue and be sued as such. A board of six directors has charge of the educational interests of a township district, and exercises its corporate powers. The officers of the board are the president, the secretary, and the treasurer. Two directors are elected annually for a term of three years. Women are eligible to the office. School directors receive no salary. It is their duty to provide school facilities for all persons between the ages of six and twenty-one who desire to attend school. This involves levying school taxes, purchasing building sites, erecting and equipping school buildings, and arranging for the funds required in such transactions. The school tax rate cannot exceed 26 mills on the dollar — 13 for maintenance and 13 for building purposes.

In the ordinary management of the schools the directors employ the teachers and fix the salaries; regulate the length of the term in excess of seven months; select the text-books and furnish them; purchase other necessary supplies; establish courses of study directing what branches shall be taught besides those required by law; enforce attendance under the compulsory school law; and visit the schools.

The school directors of the whole county meet in convention once every three years to elect a county superintendent.

56. Election Districts and Officers.—According to the constitution, all elections must be by ballot (136). In order that the voting may be done readily, a large number

of polling places must be provided, and the election districts must necessarily be small. Townships and wards sometimes form such districts, but may be subdivided into several election districts by the court of quarter-sessions. Election officers are chosen for each voting precinct in the township. The constitution provides that the election board shall consist of a judge of election and two inspectors of election chosen annually by the citizens. (146) Each inspector appoints one clerk (see Chapter 15). The compensation of election officers is $3.50 for an election, and is paid out of the county treasury.

57. Officers in Townships of the First Class.— The following officers are provided for in the Township Act of 1899:

(1) Five township commissioners to hold office for the term of two years. If the population of the township exceeds 5000, an additional commissioner is to be elected for each 2000 of population in excess of 5000. No township commissioner shall receive any salary, or shall be eligible to any other township office.

(2) A township treasurer, for the term of three years. He cannot serve two terms in succession.

(3) A township assessor, who shall hold office for a term of three years, as provided by existing laws.

(4) Annually, a township auditor, for a term of three years as provided by existing laws.

The whole number of commissioners shall be apportioned among the election districts of the township in proportion to the population. Residence in the district in which he is voted for is not a requisite of eligibility for a township commissioner.

The office of township supervisor is abolished in townships of the first class.

The county commissioners are charged with the duty of ascertaining, after each decennial census of the United States, what townships, if any, within the county satisfy the conditions set forth as constituting a township of the first class. They must issue a proclamation setting forth such designation, and publish it in two newspapers of the county.

The organization of the township of the first class has come about through the need of closer centralization in localities where the population of the township is 250 or more to the square mile. Decentralization of government as to local affairs is a characteristic feature of American polity, and is one of the greatest safeguards of liberty; but where the population is great, the local govenment must *exercise greater powers* secured to it by the State through the action of the legislature.

CHAPTER VI

BOROUGHS AND CITIES

THE BOROUGH

58. The Borough.—When the population of a village becomes so large that its best interests demand a form of government with greater powers than those of the township, a separate local government is organized. A petition is presented to the court of quarter-sessions through a majority of the voters, and notice thereof is published in a county newspaper. If the court approves, the borough is organized. Until thus incorporated, a village can have no truly distinct or separate local government.

59. Borough Officers.—The officers of a borough are the chief burgess, the councilmen, tax-collector, assessor, treasurer, auditors, overseers of the poor, school directors, justice of the peace, constable, and board of health.

The duties of many of these officials are the same as those of the corresponding township officers. Boroughs have no supervisors.

60. The Chief Burgess.—The chief burgess is the executive officer of the borough, is elected for a term of three years, and is not eligible for the next succeeding term. He cannot hold any other borough office or appointment during his term of office, nor be a member of the town council, nor preside at its meetings. His duty is to approve and sign ordinances and resolutions passed by the council, or to veto them if he does not approve them. A two-thirds vote of the council overrules his veto. He is *ex officio* a

justice of the peace. The law provides that in the absence or disqualification of the burgess, the president of the borough council shall perform the duties of such burgess.

61. The Council.—In the expanded power of the borough the legislative or law-making power becomes prominent. In boroughs not divided into wards, the number of members in the town council is seven. The laws passed by the council are called ordinances. These relate to the general welfare of the people of the borough as to streets, crossings, water-supply, sewers, lighting, police and fire service, care of the poor, abatement of nuisances, quarantine of cases of infectious and contagious diseases, public health in general, location and care of cemeteries, etc. The council determines the rate of taxation in the borough, and controls the expenditures. It examines all bills, and pays by orders on the treasurer. The council is presided over by a president elected from their number at the annual organization of council; and, in the absence of the president, a president *pro tempore* presides. A clerk is appointed who keeps a record of all the transactions of the council, and publishes its ordinances. The corporate powers of the borough are vested in the council, which acts in all suits to which the borough is a party.

In boroughs divided into wards, the court of quarter-sessions fixes the number of councilmen to be elected in each ward as a separate election district. This number cannot exceed three, and not all are elected at the same time. The term of office is three years, and one-third the councilmen are elected annually.

62. The Treasurer.—This officer is placed under bond for the faithful performance of his duties. He receives all taxes, fines, license money, and other borough funds, and pays out the money of the borough on the order of the council duly presented in writing.

63. The Assessors.—In making the valuation of property, the assessors of all the wards of a borough act as a board of assessors. They make the assessments of all taxation for borough, school district, and county purposes; and send a return thereof to the the county commissioners, who act as a board of tax revision.

THE CITY

64. The City.—In densely populated districts of large areas, the centralization of humanity and human interests demands a government that is centralized and efficient beyond the degree of any borough government. Such a complex type of local government is municipal government, and the communities thus controlled are known as cities.

The present form of city governments shows that they have been much influenced by the form of State governments. In fact, the government of an American city is a reduced copy of the government of a State. The city has its own constitution or charter, its laws, its legislature, its executive, its judiciary, its treasury, and its police force.

Municipal government in Pennsylvania dates from the founding of Philadelphia in 1682. The charter given by Charles II. granted the power to incorporate boroughs and cities; viz, "To divide the said Countrey and Islands into Townes, Hundreds, and Counties, and to erect and incorporate Townes into Boroughs and Boroughs into Cities."

65. Classes of Cities.—The law classifying the cities of the Commonwealth divides them into three classes:—

Cities containing a population of 1,000,000 or over constitute the first class.

Cities containing a population of 100,000 and under 1,000,000 constitute the second class.

Cities containing a population of under 100,000 constitute the third class.

At present all the cities of the State except four belong to the third class. Philadelphia is the only city of the first class, and Pittsburg, Allegheny, and Scranton belong to the second class.

The State constitution (52) forbids special legislation. In order to comply with this provision, and secure at the same time laws suited to the different cities, it is necessary that they be classified. A law needed in a large city might be useless or harmful in a small city.

66. The City Charter.—According to the constitution, (179) cities may be chartered whenever a majority of the electors of any town or borough having a population of at least 10000 shall vote at any general election in favor of the same. The city charter is the fundamental law of that city. It outlines the mode of government, and enumerates officers, legislative bodies, etc., Charters are granted by the General Assembly, and all cities of the same class have the same charter.

67. Wards.—For convenience in organization and administration the city is divided into wards, and these again for election purposes into precincts or polling divisions. Wards differ in size and population, but are usually the unit of representation in the councils and various boards of the city.

68. City Officers.—The officers of a city of the third class are the mayor, councilmen, aldermen, treasurer, controller, solicitor, school superintendent, chief of police, fire marshal, board of health, assessors, and some others who have the same duties as the corresponding officers in a borough. In cities of the first and second class the aldermen are called magistrates. In such cities a large part of the administrative business is transacted through executive departments.

69. The Mayor.—The chief executive officer of a city is the mayor. He is chosen by the electors to serve for a term of three years, and is not eligible for the next succeeding term. He must be at least twenty-five years old, and must have been a citizen and resident of the State for four years and of the city one year. The mayor is responsible for the good order and peace of the city, and has the authority of a justice of the peace under the laws of the Commonwealth. He is charged with the duty of suppressing all disorder and riot by means of the police force. In order to enable him to preserve public peace within the city, he has all the powers of a sheriff; and if he finds the means for suppressing mobs and riots insufficient, he may call upon the sheriff of the county for assistance. He prepares an annual message to councils setting forth the condition of the finances and other affairs of government, and recommending measures which he may deem proper for the improvement of the same. He calls special meetings of the councils whenever necessary. The mayor appoints nearly all the subordinate officers whose positions are created by ordinance, and in many cases can exercise the power of removal. All bills passed by the councils require his approval and signature; should he veto a bill, it must be repassed by a vote of two-thirds of all the members of councils before it can become a law.

70. The Councils.—The city legislature consists of two councils—the select council and the common council. Each ward elects one member of the select council for four years, and two members of the common council for two years. One-half of the members of select council are elected every two years, and one-half of the common council each year. The members of councils receive no salary.

Except in number and extent, the powers and duties do

not differ materially from those of the borough council. The subjects of legislation of the councils relate exclusively to local matters. Among the multitude of subjects concerning which ordinances may be enacted are the creation of subordinate offices, with regulation of appointments and removals; fixing salaries and amount of official bonds; appropriation of city funds; borrowing money, issuing bonds, and creation of a sinking fund; care of streets, sidewalks, and railroad crossings; establishment and regulation of the police; provision of lock-ups; regulation of markets, ferries, wharves, and watercourses; creation of a fire department; inspection of buildings; requiring the numbering of houses; regulation of weights and measures; establishment of a department of charities; making of health regulations; and the establishment of hospitals and parks.

71. The City Treasurer.—This officer is elected by the people for a term of three years. His duties are similar to those of the borough treasurer. All moneys received by him are deposited in such banks and institutions as councils may determine. By virtue of his office, he is the collector of all the city, school, and poor taxes. On entrance upon his duties as treasurer, he takes also his oath of office as collector, and gives bond for the faithful performance of his duties. The tax duplicates in his office are at all times open to the proper inspection of tax-payers. He appoints and pays the deputy tax collectors. The compensation or commission for collecting taxes is fixed by the authority levying the tax, but cannot be less than one per cent on all taxes promptly paid, and five per cent on all taxes paid him after the penalty has been incurred.

72. The City Controller.—The controller is elected by the qualified voters for a term of three years. His duties are to examine, audit, and settle all city accounts. His de-

partment attends to the general checking and auditing of the accounts and books of all the departments dealing with the finances of the city. He countersigns all warrants drawn upon the treasurer. His salary is determined by the councils.

73. The City Solicitor.—This officer is appointed by the councils in joint session. His term of office is three years, and the councils fix his salary. The legal business of the city is in his hands. He advises the city councils and officers concerning questions of law submitted by them. He represents the city and its officers in all suits to which they are parties. He must be learned in the law, and qualified to practice in the Supreme Court of the Commonwealth.

74. The Superintendent of Schools.—The law authorizes the school directors in all cities, boroughs, and townships of 5000 or more inhabitants to elect their own school superintendent, who has the same powers as a county superintendent, and must have the same qualifications.

75. The City Judiciary.—In cities of the third class, justices of the peace are called aldermen. Each ward is entitled to elect one alderman, who shall have the powers and jurisdiction of a justice of the peace. He is commissioned by the Governor for a term of five years, and must have resided within the ward for one year next preceding his election. Appeals may be taken from the decision of the alderman's court to the county court of common pleas. The work of the alderman is much greater than that of a justice of the peace in a borough or township, and the office is much more remunerative. The mayor is *ex officio* a justice of the peace, and his court having jurisdiction over minor criminal offenses is the most characteristic feature of the city judicial system. His civil jurisdiction deals only with violations of the city ordinances and the laws of the

Commonwealth relating to cities. He can administer oaths, take acknowledgements of written instruments, and solemnize marriages. Important city cases belong to the jurisdiction of the county courts.

76. The City Constables: The Police.—The voters in each ward, in cities of the second and third classes, shall elect a properly qualified person for constable, to serve for three years. Policemen are *ex officio* constables of the city, and shall and may without warrant and upon view arrest and commit for hearing any persons guilty of disorderly conduct, or unlawful acts imperiling the personal security or endangering the lives of the citizens, or violating any of the city ordinances which impose fine or penalty. The mayor must exercise constant control and supervision over the police, and hear and determine all complaints against them in the discharge of their duties. He appoints the chief of police and the other officers.

77. Board of Health.—In any city of the third class councils may create a board of health consisting of five members, two of whom must be practicing physicians. The members are appointed, one annually, for a term of five years, by the mayor by advice and consent of the select council. The board issues licenses to plumbers, and attends to the general sanitation of the city.

78. The Fire Marshal.—A fire marshal may be appointed by the mayor for a term of two years. His duties relate to the examination into the causes of fire, and means for prevention. The chief of the fire department, or the chief of police may be made fire marshal *ex officio*.

79. Water and Lighting Department.—Councils may also create a department dealing with the water-supply and lighting of the city. It consists of three commissioners, elected one annually by the councils in joint session, and

the term of office is three years. They make an annual report to the councils.

80. The City Engineer.—The councils shall elect, in joint session, a competent civil engineer to serve for three years. He has charge of the grading, repair, and opening of streets, and attends to such engineering matters as the city may undertake. A good city engineer may do much to render a city beautiful.

81. Board of Assessors.—The qualified electors of each city of the third class elect annually one person, who must be a resident voter and an owner of real estate therein, to serve as a city assessor for a term of three years. No two members of this board can be residents of the same ward. The assessors serve also as a board of revision and tax equalization.

82. Departments in Great Cities.—In great cities, like those of the first and second class, the practical work of administration is carried on by numerous departments, and there are many subordinate officers.

In Philadelphia, the mayor holds office for four years and is not eligible for the next succeeding term. He is the head of the executive branch of the government which comprises four departments, namely: public safety, public works, supplies, and public health and charities. In general the chief officer of each department appoints his own subordinates. The duties of the officials of the various departments are largely indicated by the titles. The department of public safety is subdivided into seven bureaus, namely: police, fire, electrical, city, property, building inspection, boiler inspection, and correction. The department of public works has also seven bureaus, namely: gas, lighting, water, filtration, street-cleaning, highways, and surveys. The department of supplies purchases all articles

and personal property needed in the business of the city government, except books and other specialties for the libraries, museums, and city school system. The department of public health and charities attends to matters relating to public health, charities, almshouses, municipal hospitals and similar institutions under the control of the city. The mayor calls together the heads of the departments at stated times for advice and consultation upon the affairs of the city, and may require reports upon the matters under their control.

The other leading officials of Philadelphia are the controller, the treasurer, the solicitor, and the receiver of taxes. There are also several public commissions, having management and control of various special municipal activities.

83. Councils in Philadelphia.—Select council consists of as many members as there are wards (42 in 1905), and one-third of the members are elected annually for a term of three years. Each ward sends one member to common council for every 2000 taxable voters. The term is two years, and one-half of the members are elected annually.

84. Magistrates' Courts. — The State constitution abolishes the office of alderman in Philadelphia (112). It provides that there shall be established for each 30000 inhabitants one court of police and civil causes with jurisdiction not exceeding $100. Such courts shall be held by magistrates elected on general ticket for a term of five years by the qualified voters. They shall be paid a fixed salary by the county, and shall exercise such civil and criminal jurisdiction as has been hitherto exercised by aldermen.

85. Constables in Philadelphia.—Each ward of the city elects, in general, two constables to serve for five years. But the 21st, 22d, 23d, and 24th wards elect by separate districts as heretofore provided by law.

86. The Public Schools of Philadelphia. — The public schools of this city are not under the general school system of the State. The control of the city system is vested in a board of public education consisting of twenty-one members appointed by the judges of the courts of common pleas of the county. There are also local boards of school directors elected for each ward of the city with duties largely visitorial. A superintendent and six assistant superintendents are elected by the board of education. Councils must appropriate annually, for the support and maintenance of the schools, a sum not less than five mills upon the assessed valuation of the real estate of the city.

87. Cities of the Second Class.—Only three cities are at present entitled to this rank, Pittsburg, Allegheny, and Scranton. Recent legislation (1901) extends the so-called Federal plan to cities of this class. The new charter separates the executive and legislative departments as is the case in the State and National governments. The executive power is vested in the mayor, who is assisted by the heads of the several departments. He is elected for a term of three years, but is not eligible for the next succeeding term. He must be at least twenty-five years of age, and must have been a citizen and resident of the State for five years, and an inhabitant of the city for five years next before his election. His powers are extensive, and he may remove from office any head of department, director, or other officer whom he has appointed, transmitting to select council his reasons for so doing. He is responsible for the good order and efficient government of the city, executing and enforcing the ordinances of the city and the laws of the State. It is his duty to communicate to councils, at least once a year, a statement of the finances and general condition of the affairs of the city; to recommend by written message to coun-

cils such legislation as he may think expedient; to call special meetings of councils whenever public necessity may require them. He may also, as often as he may think proper, appoint three competent persons to examine, without notice, the accounts of any department or officer of the city. The mayor approves or disapproves resolutions and ordinances passed by councils. A three-fifths vote of all members in each branch of councils is necessary in order that any legislation may be repassed over his veto, and the same is true in regard to any item in any appropriation bill of which he may disapprove.

The executive departments are nine in number as follows: public safety, public works, collector of delinquent taxes, assessors, city treasurer, city controller, law, charities and correction, and sinking fund commission. The departments of public safety and public works have each a head official called the director. For convenience in operation these larger departments are divided into several bureaus whose names sufficiently indicate their several spheres. These divisions in the individual cities differ somewhat, but are alike in most respects. Thus, in Pittsburg, the department of public safety has the following bureaus:—police, detectives, fire, electricity, health, and building inspection. In the important department of public works we find the following bureaus:—construction, surveys, highways and sewers, city property, water, water-rents, parks, light, and deed-registry.

The city solicitor, collector of delinquent taxes, sinking fund commission, and heads of the various departments are appointed by the mayor by and with the advice and consent of the select council.

The board of assessors, city treasurer, and city controller are chosen by the vote of the people at the regular city

INDEPENDENCE HALL

elections. It is essential that these officials should be independent of both mayor and councils, but responsible alone to the people.

The select council consists of one member elected from each ward to serve four years, one-half of the membership being elected every two years. The common council has two members from each ward,—and more if the ward is large,—elected for two years, one-half of them being chosen each year. The powers of councils are extensive. In case the office of mayor becomes vacant the councils in joint session have power to fill the vacancy, if in the last year of the term. During a vacancy the president of select council acts as mayor. No contracts for the city can be entered into until the councils pass the necessary ordinances.

The police power for taking information, making arrests, and preserving the peace is vested in the mayor and five police magistrates, not all of the same political party, to be appointed by the mayor, subject to the approval of the select council. The term of office of such magistrates is during good behavior, and until a successor shall be appointed and approved. They serve in such districts as are designated by ordinance, and receive an annual salary fixed by councils.

88. Corporate Powers.—The corporate powers of all cities are set forth in the general charters granted by the General Assembly to each particular class. The powers enumerated in the charter for cities of the second class embrace many common to all cities. Such cities have perpetual succession, may sue and be sued; purchase and hold property; lease, sell, and convey property; make contracts; have and use a corporate seal, and do all other acts necessary to the exercise of their corporate powers. In relation to the enactment of ordinances, the charter for cities of the

second class sets forth these powers under forty-three heads. These will well repay careful study in order that the difficulties of municipal government may be understood.

89. Vital Problems in Cities.—The most vital of the great problems in regard to cities is how best to govern such large gatherings of people. Important questions are constantly arising in municipalities, such as:—how to control the corporations that have acquired franchises; the letting and supervision of contracts; the proper care for the criminal and needy classes, constantly increasing in such cities; how to manage the educational interests for the benefit of all; and especially, how to prevent the control of the municipality by political bosses, spoilsmen, and rings. Such questions require the constant exercise of care and study by the best men, and eternal vigilance to settle them and to keep them settled. The charters are the efforts of Pennsylvania to aid its great cities in the solution of such problems.

The forces that attack and pervert the republican form of government are very numerous in cities, and the defensive forces are not always well-placed for resistance. The State, by legislative enactments and through certain restrictions embodied in its constitution (180-181)*, seeks to diminish the evils which appear wherever a large population is densely aggregated (157).

---

*The numerals occurring in the body of the text always refer to the correspondingly numbered sections in the State constitution printed in the back of this book.

CHAPTER VII

COUNTY GOVERNMENT

90. Number and Area of Counties.—The State is divided into sixty-seven counties varying in area from Montour with 130 square miles, to Lycoming with 1195 square miles. In population they range from Cameron with 7048, to Philadelphia with 1,293,697 inhabitants.

The constitution specifies (171) that no new county shall be organized with an area less than 400 square miles or a population of less than 20,000 inhabitants. The three original counties, Chester, Philadelphia, and Bucks were organized in 1682. The youngest county is Lackawanna, organized in 1878.

91. County Seats.—Each county has a town as its seat of local government. At this place, known as the county seat, are erected the court house and offices for the several county officers. This town stands in the same relation to the county that the capital city does to the State. Certain officers are required to have their offices in the county seat (175).

No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area or containing a less population; nor shall any of its lines pass within ten miles of the county seat of any county proposed to be divided. The ten miles must be measured from the borough or city limits, not from the court house (171).

92. County Officers.—In the county we see a distinct tendency toward the three-fold division of sovereign power that the Anglo-Saxon race insists shall pervade all government, namely the legislative, the executive, and the judicial functions.

The officers of the county (172) are: — commissioners, sheriff, prothonotary, clerk of the courts, register of wills, recorder of deeds, clerk of the orphans' court, district attorney, treasurer, auditors or controller, coroner, solicitor, mercantile appraiser, surveyor, county superintendent of schools, directors of the poor, jury commissioners, county judge; and in some counties, associate judges and prison inspectors.

93. Who may be County Officers.—In order to be eligible to a county office (174), a person must have been a citizen and an inhabitant therein one year next before his election. County officers are chosen (173) at the general elections, and hold office for three years as a rule.

94. Salaries.—In counties having a population of less than 150,000 inhabitants, the salary of each officer consists of fees fixed by law (176). In the other counties, the fees are paid into the State treasury or into the countytreasury as the law may direct, and a specified salary is paid. In no case can the salary be greater than the amount of fees collected (176). The law fixes several grades of salaries according to the population of the county.

95. The Commissioners.—The officers who conduct the general county business are the commissioners, and they are vested with all the powers which the county possesses as a body corporate and politic. Among these are the power to acquire, hold, and dispose of property; to enter into contracts; to be a party to suits at law. The commissioners levy the county taxes; provide for the erection,

repair, and furnishing of the court house, jail, and other official buildings; construct and keep in repair roads and bridges which in cost and importance pass beyond the sphere of the township officers. In order to accomplish such purposes, they may borrow money on the credit of the county, and issue bonds for the same. They are required to set forth annually an account of the receipts and expenditures. If new public buildings are required, the commissioners must obtain the approval of two successive grand juries and of the court of quarter sessions before the buildings can be erected. The commissioners meet as a board to transact the business of the county, and two are necessary to the taking of any action.

Commissioners are elected in each county every third year; and in order to secure representation on the board for more than one political party, no elector is allowed to vote for more than two such candidates at the same time (178). In addition to the duties already enumerated, the commissioners perform important duties in connection with elections. They provide voting rooms, voting booths, ballots, cards of instruction, lists of voters, etc.

Any casual vacancy in the office of county commissioner is filled by the court of common pleas of the county in which the vacancy occurs.

96. The Sheriff.—The sheriff is the executive officer of the county and of its courts. He is the conservator of the public peace, and to that end he has the power to make arrests. He may call to his aid any citizens of the county, thus forming what is known in law as the *posse comitatus*. A citizen cannot lawfully refuse to aid him in making an arrest. In order to quell riots and disturbances, he may call upon the Governor for assistance. When a man is arrested for crime, it is the State which arrests him by the

hand of the sheriff, its agent in the county. In this sense the sheriff becomes a State officer, although he cannot make arrests or seize property beyond his own county. He is the arm of the law for that county, however, and conditions might arise under which the aid of the President and Nation might be invoked. As for the force that the sheriff may draw upon, if necessary, for the suppression of disorder in a single locality, it is practically unlimited and irresistible. It rises from the *posse comitatus* or "power of the county," to the State militia, or even to the full power of the regular army.

The sheriff is the ministerial officer of the county courts, and serves all legal processes issuing therefrom. He has charge of the county jail, and is required to receive and safely keep all persons duly committed to his custody until they are lawfully discharged. He preserves order at the sittings of the county court, and carries out the decisions therein rendered. Under proper warrant from the Governor, he executes criminals condemned to death penalty. If a taxpayer refuses to pay his taxes on real estate after assessment and demand by the proper officers, the sheriff may seize the property and expose it for sale, and deduct taxes and legal expenses from the proceeds. The sheriff also sells property for debt, when judgment has been given by court and execution issued therefrom. He has charge of the jury-wheel, and assists in drawing the juries. He summons witnesses and jurors.

The sheriff cannot serve two successive terms. Since the nature of his office requires that he should deal with large sums of money, he is placed under heavy bonds, varying according to the population of the county. His salary is usually the largest paid to county officers. By means of advertisements in newspapers and by handbills, he makes proclamation of general elections.

97. The Prothonotary.—This officer is the clerk of the court of common pleas—the civil court. He is the custodian of the records of the court, and all judgments and mechanics' liens are recorded by him. The prothonotary has charge of the seal of the court, and affixes it to all writs, processes, and documents that require it. He makes an annual report to the secretary of the Commonwealth, showing the number and nature of criminal cases tried, the acquittals and convictions. He administers the oaths and affirmations to jurors, witnesses, and others in conducting the business of his office. He keeps the register of physicians, and the record of all naturalizations. The returns of city, county, State, and National elections are made to him and filed in his office. He makes a certified copy of the election returns, except that of the city, and transmits it to the secretary of the Commonwealth.

98. The Clerk of the Courts.—This officer is usually clerk of the court of quarter sessions and the court of oyer and terminer—the criminal courts. He attends all sessions of the courts, and makes a detailed record of the proceedings. He calls before the court the jurors and witnesses, and administers the prescribed oaths. The business of the court of quarter sessions, relating to the opening of streets and roads and the granting of liquor licenses, is in his charge. The returns of township and borough elections are filed in his office, and certificates of election are issued to successful candidates, except justices and aldermen who are commissioned by the Governor.

99. Register of Wills.—This official records the wills of deceased persons that require to be probated, that is, proven to be the lawful acts of the persons who are claimed to have made them. The division of an estate is made under the supervision of the orphans' court. The register of

wills appoints administrators on the estates of persons who have died intestate, that is, without leaving wills. Executors and administrators consult him in regard to the performance of their duties, and are required to report to him the final settlements of estates.

100. Recorder of Deeds.—One of the most important officials to the community is the recorder of deeds. All papers used in making transfers of real property, or in placing liens or mortgages upon it, the law requires to be recorded in the office of the recorder of deeds. Such papers are called deeds, mortgages, liens, contracts, and partnership agreements according to their nature, and are often of the greatest importance in determining property rights. The time of recording the papers is so important that each paper is marked with the exact day of presentation. Mortgages are even marked with the exact hour of presentation, since claims of right often rank according to their priority.

101. Clerk of the Orphans' Court.—The duties of this officer are indicated by his title. In most counties the office is joined with that of the register of wills or the clerk of the courts. Originally, all the courts sitting in the same county had always the same clerk. In many counties the offices of register of wills and recorder of deeds are filled by the same person. In some of the smaller counties, all the clerical duties are performed by one man as prothonotary, clerk of the courts, clerk of the orphans' court, register of wills, and recorder of deeds.

102. District Attorney.—The agent of the State in bringing persons accused of crimes to trial is the district attorney. He prepares the indictments and submits them to the grand jury, together with the evidence to substantiate the charges. If a "true bill" is found by the grand jury, the district attorney becomes the prosecuting officer when

the trial takes place. No person is eligible to this office unless he has been admitted to practice as an attorney in the courts of some county within the Commonwealth for at least two years preceding his election.

103. The County Treasurer.—This officer receives all State and county taxes, and the fines and license fees. In some counties he is tax collector; in others he receives the proceeds from township tax-collectors of all taxes levied for county and State purposes. He pays the State tax and other State moneys over to the State treasurer. He disburses the county funds upon warrants drawn by the county commissioners or other officers designated by law. His accounts are open to the inspection of the auditors or controller, and he must make regular financial reports to the county commissioners. The financial records of the county are preserved in his office. He cannot have two successive terms, and is under bonds for the faithful performance of his duties. In case of a vacancy in the office of county treasurer, the commissioners have power to appoint a suitable person.

104. The Auditors.—These officers serve as guards over the treasury and every office in which public funds are handled, since accounts are kept in duplicate by individual departments. The auditors adjust the accounts of the treasurer, sheriff, commissioners, and every other officer who handles county funds. They report regularly to the State auditor the condition of the county finances. There are three auditors elected in a county at the same time, but no elector can vote for more than two of them (178). A vacancy in the office is filled by the court of common pleas.

In counties having a population of 150,000 inhabitants or over, the powers of the auditors are vested in a county controller.

105. The Mercantile Appraiser.—This official is appointed annually by the county commissioners. He investigates the amount of sales made by dealers in merchandise, and classifies such dealers with reference to business licenses. These licenses are a special form of State tax. He receives a fee for each license issued. In Philadelphia, the appraisers are appointed by the auditor-general and the city treasurer (72).

106. The Coroner.—This officer holds a formal investigation over the body of any person who is suspected of having died by violence, or who has died in prison. Such proceeding is called an inquest. He summons a jury of six persons to assist him in his findings. His services are of great importance to society, both in bringing murderers to punishment and in protecting the innocent from accusation. In the absence of the coroner, the justice of the peace may hold an inquest. If the office of sheriff becomes vacant, the coroner performs the duties of that office until the Governor makes an appointment.

107. The County Solicitor.—The commissioners appoint the county solicitor who is the legal adviser of the county officers. He is empowered to act as counsel for the county in all civil suits to which it is a party.

108. County Surveyor.—This office is of small importance now as compared with former usefulness when the State owned large tracts of land, and the sales required the making of surveys. The principal duties of the surveyor now relate to the demarcation of boundary lines disputed in the courts. His services also secure accuracy and skill in the construction of roads and bridges. He issues maps of the county, and makes plots of the various surveys.

109. The Superintendent of Public Schools.—As his title implies, this officer has general supervision of the

public schools of the county. He examines applicants for certificates of qualification to teach; visits all the schools annually, if possible; sees that the subjects specified by law are taught according to approved methods; advises and directs the teachers; holds an annual institute for the teachers of the county; and makes an annual report as well as monthly reports to the State superintendent of public instruction.

The county superintendent may grant two kinds of certificates: the provisional and the professional. The former is good for one year only; the latter for the unexpired remainder of the superintendent's term, and one year thereafter. Certain other duties, concerning the granting of permanent certificates and the examination of candidates for graduation at normal schools, pertain to his office under the direction of the State superintendent.

The county superintendent must have superior qualifications of physical endurance, moral character, scholarship, and skill in his profession. He takes oath to perform faithfully the duties of his office. The minimum salary paid is fixed by law at $1000, and the maximum to be paid by the State at $2000. The size of the county, the average length of the school term, and the number of schools determine the varying salaries between these limits. Any amount greater than the maximum may be agreed upon by the school directors in the convention at which the superintendent is chosen for his term of three years; yet the excess in salary is not paid by the State, but is deducted from the county's share of the State appropriation.

Women are by the constitution made eligible to the office of superintendent of schools (166).

110. Directors of the Poor.—In those counties in which the commissioners have erected and furnished almshouses three directors are elected, one each year, to take

care of and provide for the poor of the county with money obtained by taxation. In many counties the relief of paupers is still left in the hands of the township and city officers.

111. Inspectors of Prisons.—In nine counties, the courts or county commissioners appoint prison inspectors who serve for one year. They appoint the officials of the prison, and receive and pay out the funds used in carrying on the institution.

112. Jury Commissioners.—These officers, in connection with one of the judges, select from the qualified electors of the county a certain number of persons to serve as jurors in cases brought before the courts for trial during the year. There are two jury commissioners, and they cannot serve more than two terms in succession. The method of drawing juries is described under the chapters on the Judiciary. The law provides that two sober, intelligent and judicious persons shall be chosen in each county to serve as jury commissioners for a period of three years. In order to secure representation on the board for more than one political party or faction, no elector can vote for more than one person to serve as jury commissioner. The two persons having the greatest number of votes are elected.

113. County Courts and Judges.—The county courts are the courts of the judicial districts into which the State is divided (105). The judges of the county courts are chosen by the voters of the whole district at the general election. The same judge or judges exercise jurisdiction in the courts of the different counties in the district, but each county has its own courts. (*See Judiciary*) The county was organized from the beginning as a judicial district with court house, jail, judge, and sheriff.

CHAPTER VIII

THE STATE GOVERNMENT

114. Three Great Departments.—The State preserves the old three-fold division of the powers of government into separate departments: the legislative, the executive, and the judicial. It is the main frame work of the State constitution, and in this respect the structure of the State government is identical with that of the National government. The Constitution of the United States, by devolving certain duties upon the legislatures and governors of the several States, makes such a division necessary; for a State without such a division of governmental powers could not have a republican form of government within the meaning of the Constitution.

115. The Necessity for Such Division.—Experience has shown that the powers which belong to all governments can be most safely and satisfactorily exercised by dividing them. A "government of the people, by the people, and for the people" must have a power to make the laws, and at the same time a separate power to carry them out, or they will be of no value whatever. Yet before the laws can be enforced and applied, they must be properly understood; so there arises the need of a power which shall explain and interpret them uniformly. Indeed, in enacting the law, the legislative body may not have regarded the constitution or fundamental law of the State. In that case there must be some power higher than either the legislative or the executive power, able to declare it unconstitutional. This

highest power of government, to determine the meaning and constitutionality of laws, belongs to the judicial department and finds its greatest exponent in the Supreme Court.

116. The State Constitution. — The law-making power, as has been seen, has limits to its authority prescribed by a written document called the constitution. This is the highest law of the State. By its means the courts, the law-making power, and the executive are brought into the characteristic relations which mark our republican form of government. During its existence as a State, Pennsylvania has had four constitutions.

The State constitution is in itself only a great law made directly by the people voting upon a draft submitted to them. The people in voting act as a primary body, just as if they were all summoned to meet in one place like the folkmotes of our forefathers. The enactment of our State constitution was an exercise of direct popular sovereignty.

117. Other Features of State Government.—Besides the features of self government already considered,—the constitution and the three great departments,—the State has the other elements of legal independence which characterize all the States in the Union. These are:—a body of State laws; a system of local government, in counties, cities, townships, etc.; a system of State and local taxation; public debts,—[$4,718,817.02]—December, 1904,—not apt to be repudiated; and certain requirements regarding suffrage and elections.

CHAPTER IX

THE LEGISLATURE

118. Name and Composition.—The legislative power of the Commonwealth of Pennsylvania is vested in a General Assembly, which consists of a senate and a house of representatives (28). The senate consists of fifty members, and the house of representatives of two hundred and four. The laws of Pennsylvania are known as "Acts of Assembly," and not as statutes, as in some of the States.

119. Districts.—The constitution prescribes that the State shall be divided into senatorial and representative districts, and defines the method of division. This apportionment of members shall be made immediately after each decennial census of the United States (45). The State is divided into 50 senatorial districts of compact and contiguous territory, and each district elects one senator. The ratio of senatorial representation is found by dividing the population of the State by fifty (43). Philadelphia has eight districts, Allegheny county has six, and Luzerne county has two. The members of the house of representatives are apportioned according to a ratio found by dividing the population of the State by two hundred. The county of Philadelphia has forty-one members in the lower branch of the General Assembly. Each county is entitled to at least one representative (44). Allegheny county has twenty-four.

120. How Elected and When.—The members of the General Assembly are chosen by the qualified voters (29) at the general election on the Tuesday next after the first

Monday in November. The term of office of a senator is four years (30), and one-half of them are chosen every even year; by which arrangement one-half the membership of the senate consists of senators of at least two years' experience. Representatives are chosen every even year for a term of two years (30). The term of service of members of the General Assembly begins on the first day of December next after their election (29).

121. Eligibility.—Senators must be at least twenty-five years of age. They must have been citizens and residents of the State four years, and residents of their districts one year next before their election—unless absent on the public business of the United States or of this State. During their terms of office they must continue to reside within their districts (32). Representatives must be at least twenty-one years old, and their other qualifications are the same as those of senators. No person holding an office under the State or National government can be a member of the General Assembly (33). No person convicted of embezzlement of public moneys, bribery, perjury, or other infamous crimes, is eligible to such membership (34).

122. Sessions.—The General Assembly holds its regular sessions once in two years, beginning at twelve o'clock, noon, on the first Tuesday of January every odd year (31). The length of time for which the General Assembly shall sit is not fixed, but the regular session generally lasts five months. Special sessions are called only by the Governor (90). A special session of the senate alone may be called for the transaction of executive business; but the house of representatives cannot alone be assembled. Each house has its own chamber in the Capitol at Harrisburg.

123. Salary.—Senators and representatives alike receive such salary and mileage, for regular and special sessions, as

THE CAPITOL AT HARRISBURG

may be fixed by law, and no other compensation whatever for service on committee or otherwise (35). The law fixes the salary at $1500 for a regular session, and $500 for a special session, regardless of the length of either. The mileage is reckoned on the basis of the ordinary mail route to and from their homes, at the rate of twenty cents per mile. Additional compensation in the form of $100 worth of postage stamps and $50 worth of stationery is granted.

124. Privileges of Members.—The members of the General Assembly, except in certain specified cases, are exempt from arrest during attendance at the sessions; and for any speech or debate in either house they shall not be held responsible in any other place (42). Thus legislation cannot be impeded by the device of arresting and imprisoning members of the Assembly.

125. Organization of the Houses.—On the day fixed for the meeting of the General Assembly (31), the twenty-five senators whose term of office has not expired and the twenty-five senators elect meet in the senate chamber, and are called to order at twelve o'clock noon by the lieutenant-governor of the Commonwealth, who by virtue of his office is the president of the senate (82). After the ceremonies with which the session opens, the newly-elected senators take the oath of office prescribed by the constitution (132). A motion is then made that the senate proceed to the election of a president *pro tempore* (36). Nominations are made, the clerks call the roll of the senate, and each senator announces his choice by a *viva voce* vote (144). The next order of business is the election of the chief clerk and other officers, after which the senate is ready to proceed with any business which may be presented.

The president *pro tempore* is the only officer that is a member of the senate. The other officers chosen are a chief

clerk, journal clerk, reading clerk, message clerk, executive clerk, and four transcribing clerks; also a sergeant-at-arms and two assistants, who preserve order in the senate chamber, a chaplain, and a librarian. There are also door-keepers, messengers, pages, and other assistants.

The chief clerks, the sergeants-at-arms, and many of the other officers chosen by the houses, are by law authorized to return as such at the next regular meeting of the General Assembly. This assures continuity of organization.

The house of representatives is organized in a manner similar to that in which the senate is organized. The chief clerk calls the house to order, and the secretary of the Commonwealth presents the returns of the last election (96), and then retires. The returns are read, the roll is called, and the oath of office is administered by a judge of the supreme court or of a court of common pleas. The members then elect from their own number a presiding officer called the speaker (36). Clerks and other officers are then elected, after which the house is ready to consider any business which may be presented. The speaker is always a representative of the majority party, and appoints the committees. In this and in many other ways he is able to direct and influence legislation.

126. Legislation.—The duty of the General Assembly is to make such laws as will promote the welfare of the people of the Commonwealth. These laws must not conflict with the Constitution of the United States, nor with that of the State, otherwise the courts will be sure to declare them unconstitutional, and therefore null and void. The fact that the General Assembly is composed of two separate houses gives the advantage of checking hasty legislation. The General Assembly can legislate upon a great variety of subjects, yet there is manifestly in the minds of the people

a certain jealousy of the legislative branch of government. Our State constitution devotes an entire article to limiting the power of the Legislature (46-78). The passing of local or special laws is forbidden in many distinctly specified cases; nor is it possible to pass any local or special bill unless notice of the intention to apply therefor shall have been published in the locality particularly concerned at least thirty days before the introduction of the bill into the General Assembly (53). The purpose of such provision is to prevent the evils growing out of special legislation.

Every word in a written constitution is in effect a restriction of legislation; yet the limitations imposed by the State constitution and by that of the United States seem small enough when compared with the vast prerogatives of the State Legislature. It has been truly said that to enumerate the particulars of the vast range of power, and to detail its parts, would be to name all social and business relationships, and to examine the very foundations of law and order.

127. Contests.—When any question is raised as to the qualification or election of a member, the house in which he claims a seat decides it, and there is no appeal from such decision (36).

128. Quorum.—A majority of each house constitutes a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members (37).

129. Rules: Expulsions.—Each house determines its own rules of order and business, and has power to enforce obedience to its process (38). By a two-thirds vote it may expel a member, but not a second time for the same cause.

130. The Journal.—Each house keeps a journal of its proceedings (39). Upon the demand of any two members, the vote on any question shall be taken by yeas and nays,

and be so entered upon the journal. It will be noted that on all questions the members of General Assembly vote orally (144). The reasons for secret ballot do not apply, since the members vote in a representative capacity, and the constituents of each member have a right to know how he has discharged his duty. The proceedings are published from time to time, except such parts as require secrecy. The sessions of each house and of committees of the whole are open, unless the business is such as ought to be kept secret (40). Secret sessions of either house are very rare.

131. Committees.—The enactment of laws is expedited by means of committees appointed at the beginning of the session, and the constitution expressly prescribes them (47). These committees are very numerous, and each has charge of some particular subject. They are called standing committees because they continue throughout the session. Special committees are appointed to deal with any subjects which cannot readily be referred to any of the standing committees. The committee system places every bill in the hands of a limited number of persons having special knowledge of the matter with which it deals. They investigate the subject, and report the result of their deliberations. Committees in the senate are appointed by the president *pro tempore*, and in the house of representatives by the speaker.

132. Bills.—A proposed law, presented by a member in either house for consideration by the General Assembly, is called a bill. Bills may be altered, amended, or rejected by either house, but no bill shall be so amended as to change its original purpose. No law shall be passed except by bill (46).

133. How the Laws are Made.—A bill may originate in either house—except a bill for raising revenue, which

must originate in the house of representatives (59). The bill must then be referred to a committee, returned therefrom, and printed for the use of the members (47). It must be read in full on three different days in each house, amendments being made on second reading and the same printed for the use of members before the final vote after third reading is taken (49). The vote on its final passage must be taken by yeas and nays, and the names of the persons voting for and against the same be entered on the journal. If a majority of the members elected to each house be recorded in its favor, the Legislature has passed the bill (49). If a bill originating in one house is amended or changed in any respect by the other house, it must be returned to the house in which it originated, and the amendment approved by a majority of all the members, voting by yeas and nays (50).

When the bill has been passed by both houses, it is sent to the Governor (93). If he approves it, he signs it and the bill becomes a law; but if he does not approve it, he vetoes it—that is, he returns it with his objections, to the house in which it originated. The Legislature may upon reconsideration pass such bill by a two-thirds vote in both houses, and it then becomes a law without the approval of the Governor. If he does not return a bill within ten days after it has been presented to him, it becomes a law, unless the General Assembly, by adjournment, prevent its return. Under these circumstances, the Governor has thirty days in which to sign or veto all bills left in his hands.

134. When the Governor is a Third House.—The only occasion on which the Governor is a part of the legislative power of the State is when he signs or vetoes a bill. Yet in ordinary times, this power which is not executive but legislative, is his most important and considerable func-

tion. While exercising this power, the Governor is virtually in himself a third house (94).

The Governor has thirty days after the General Assembly has adjourned in which to approve or disapprove (93) bills sent to him during the ten days immediately preceding the adjournment of the Legislature. During the last few days of the session a large part of the bills are passed finally, and this provision gives him time for their careful consideration.

135. Election of U. S. Senators.—An important duty of the General Assembly is the election of Senators repreing the State in the Congress of the United States. The election is held in conformity with rules contained in a law, passed by Congress in 1866, making such elections uniform for the States. The Governor certifies to the election, under the seal of the State, and the certificate is countersigned by the secretary of the Commonwealth.

136. The Power of Impeachment.—The house of representatives has the sole power of impeachment (128), but all impeachments are tried by the senate (129). When sitting for that purpose, the senators shall be upon oath or affirmation, and no person can be convicted without the concurrence of two thirds of the members present.

137. Powers Reserved to Each House.—It will be seen that the house of representatives has the sole power of impeachment, and of originating bills for raising revenue; while the senate has the sole power of confirming the Governor's appointments (86), and of trying the cases of impeachment.

138. Apportionment of the State.—The General Assembly has power to divide the State into senatorial and representative districts for the election of State senators and members of the house of representatives, and into judicial districts (105) for the election of judges of the court of common pleas and the orphans' court (43–44).

By act approved February 15, 1906, the number of members in the house of representatives was changed to two hundred seven [207], and the State was re-apportioned into representative districts as provided by the constitution (45). The purpose of the method therein set forth (44) is to prevent gerrymandering, and it is efficient except in the case of the larger counties and cities. The divisor, two hundred, used in finding the ratio, keeps the number of representatives close to that figure.

In the further exercise of its legal powers, the General Assembly also divides the State into congressional districts for the election of Representatives in the Congress of the United States. By act of July 11, 1901, the State is divided into thirty-two congressional districts, each electing one member of the House of Representatives in the Congress of the United States.

139. When an Act goes into Effect.—An Act of Assembly becomes a law and goes into effect as soon as it has received the signatures of the proper officers required by law, unless some other time is fixed by a special section of the act. This is sometimes, but not usually, inserted.

140. Adjournment.—Each house adjourns from time to time without reference to the other, but may not adjourn for more than three days without the consent of the other (41). When the two houses cannot agree upon the time of adjournment, the Governor may adjourn them to such time as he may think proper, not exceeding four months (90).

CHAPTER X

THE EXECUTIVE DEPARTMENT

141. The Department.—The executive department of the State consists of a Governor, lieutenant-governor, secretary of the Commonwealth, attorney-general, auditor-general, state treasurer, secretary of internal affairs, and a superintendent of public instruction (79).

142. The Governor.—The supreme executive power in the State is vested in the Governor, who is charged with duties of great variety and responsibility. He must take care that the laws are faithfully executed (80). The office of Governor is one of great power and dignity, and affords an opportunity for the display of character and talent.

143. How and When Elected.—The Governor is chosen by the qualified electors of the State, on the day of the general election, at the places where they shall vote for members of the General Assembly (80). The election occurs on the Tuesday next following the first Monday in November.

144. Returns of Election.—The returns of the votes cast for Governor, as the same have been collected and counted by the proper officers of the several counties of the State, are sealed up and sent to the seat of government at Harrisburg, directed to the president of the senate, who opens and publishes them in the presence of both houses of the General Assembly (80).

145. Term and Eligibility.—The Governor is chosen for a term of four years from the third Tuesday of January

next ensuing his election, and is not eligible to the office for the next succeeding term (81). He must be a citizen of the United States, at least thirty years old, and for the seven years next preceding his election he must have been a resident of Pennsylvania, unless he shall have been absent on the public business of the State or of the United States (83).

146. Residence and Salary.—His business office is in the Executive Building, and official residence at the Governor's Mansion at Harrisburg. His salary is $10,000 per annum.

147. Lieutenant-Governor. — The lieutenant-governor is chosen at the same time, in the same manner, and for a same term as the Governor. His qualifications must be the same, and he is not eligible to his office for the next succeeding term (82). He is *ex officio* the president of the senate, but has no vote unless the senate is equally divided. While the office of lieutenant-governor under ordinary circumstances is of small dignity, in its possibilities it is of the greatest importance. If the Governor dies, resigns, or for any reason becomes unable to discharge his duties, the powers, duties, and emoluments of the office devolve upon the lieutenant-governor (91).

148. Must Hold no Other Office.—No member of Congress, or person holding any office under the United States or other office in this State can exercise the office of Governor or lieutenant-governor (84).

149. Commander-in-Chief.—The Governor is commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they are called into the actual service of the United States (85).

150. Power to Appoint Officers.—He may nominate, and, by and with the advice and consent of two-thirds of all

the members of the senate (86), appoint a secretary of the Commonwealth and an attorney-general during pleasure, a superintendent of public instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the constitution or by law to appoint.

151. Filling Vacancies.—If a vacancy happens in any office, and the law does not provide some other method for filling it, the Governor may appoint a person to fill the vacancy (86). Such appointment expires, in general, at the close of the next session of the General Assembly or at the next election by the people.

152. Reprieves and Pardons.—He has power to remit fines and forfeitures, to grant reprieves, commutations of sentence, and pardons (87) except in cases of impeachment; but no pardon shall be granted nor sentence commuted, except upon the recommendation of the board of pardons.

153. Fugitives from Justice.—The Governor may demand fugitives from justice from the executive of any other State or Territory; and issue warrants for the arrest of persons in this State upon the requisition of the governor of any other State or Territory.

154. Information and Advice.—He may require information, in writing (88), from the officers of the executive department, upon any subject relating to the duties of their respective offices.

155. Messages.—The Governor sends to the General Assembly, at the beginning of the session, a formal message reporting the condition of the State, and recommending to their consideration such measures as he may judge expedient (89).

156. Extra Sessions.—The Governor has power to call the senate together to transact executive business only;

also to convene the General Assembly on extraordinary occasions. It is his duty, by message, to explain to both houses the reasons why he has thus called them together (90).

157. Adjourning the Legislature.—In case of disagreement between the two houses as to the time of adjournment, the Governor may declare the General Assembly adjourned to such time as he may think proper, not exceeding four months (90).

158. Order of Succession.—As we have seen, in case of the death, resignation, or other disability of the Governor, the duties of the office devolve (91) upon the lieutenant-governor. In case of a vacancy in the office of lieutenant-governor (92), the president *pro tempore* of the senate succeeds to that office, and in like manner may become Governor, should a vacancy or disability also occur in the office of governor.

159. The Office of Governor never Vacant.—Careful provision is thus made that the Commonwealth be not at any time left without a responsible head. There is never a time when there is not some one to whom the people may look as chief magistrate. In cases of contested election, as under ordinary circumstances; the Governor and lieutenant-governor exercise the duties of their respective offices until their successors are duly qualified (95).

160. Contested Election.—The chief-justice of the Supreme Court of the State presides upon the trial of any contested election of Governor or lieutenant-governor, and decides all questions regarding the admissibility of evidence (95).

161. The Veto Power.—All bills and concurrent resolutions, except for adjournment, must be submitted to the Governor for his approval (93). If he approves a bill

he signs it, but if he does not approve it he returns it to the house in which it originated, with his objections. The General Assembly may, upon reconsideration, pass such bill by a two-thirds vote in both houses. The relations of the Governor to the General Assembly are most important, since the veto power gives him a great influence in legislation. Even although he cannot make legislation and a bill may become a law notwithstanding his veto, the share which the chief executive takes in actual legislation is very great. The use of the veto power is his most serious duty, and chiefly by his discharge of it is he judged. Few bills are ever passed over the Governor's veto. Many bills, at the time of the adjournment of the Legislature, are left unacted upon by him; concerning all such bills he has an absolute veto. A power almost analytic in its actual working is that which enables him to disapprove of any item of a bill appropriating money, and to approve of other items of the same bill (94). This is a wise provision, enabling the Governor to cut out any objectionable appropriation without destroying the whole bill. It has also been decided by the Supreme Court of the State that the Governor has the right, under the State constitution, to reduce any item of an appropriation bill passed by the General Assembly.

162. When Approval is not Necessary.—Resolutions for adjournment need not be submitted to the Governor for his approval (71). The supreme court has decided that article XVIII of the State constitution, providing for its future amendment, stands alone and provides all the machinery that is necessary to be followed in the amendment thereof. The submission of amendments to the constitution to the Governor for his approval is therefore not necessary, although it has been done in many cases (207).

163. Secretary of the Commonwealth.—This officer is appointed by the Governor and confirmed by the senate, and holds office at the pleasure of the chief executive of the State. He keeps a record of all the official acts and proceedings of the Governor, and furnishes information concerning the same to other officers and to the General Assembly. Other duties are enjoined upon him by law. He is the custodian of the copies of all laws, resolutions, etc., passed by the General Assembly; these and the veto messages of the Governor are prepared for publication under his supervision. He countersigns all proclamations, appointments, and commissions issued by the Governor; and a record of them is kept in his office. He keeps a record of all death-warrants, respites, commutations, and pardons; he has charge of the official bonds of all officers and notaries public commissioned by the Governor. Records of incorporation, proceedings of corporations, their charters, changes of name, changes in capital stock, etc., are under his care. He is the custodian of election returns of all national, State, and county officers who receive executive commissions; and he compiles and publishes the returns of the State elections.

The secretary of the Commonwealth is the keeper of the great seal of the State. He affixes it to all such documents as the law requires; and countersigns them. His salary is $8000 per annum. Fees being no longer a part of his salary, he is required to pay into the State treasury all percentages, fees, and commissions received by him by virtue of his office as secretary of the Commonwealth.

The secretary of the Commonwealth is the head of the department of State, and the agent of official communication between Pennsylvania and other States and the United States.

164. Secretary of Internal Affairs.—The secretary of internal affairs is elected by the people, and serves for a term of four years (99). He exercises all the powers and performs all the duties formerly assigned to the surveyor-general (97), subject to some changes made by law. According to the constitution, his department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, charitable institutions, and the agricultural, manufacturing, mining, mineral, timber, and other material or business interests of the State as may be prescribed by law. The department as organized at present consists of five bureaus: land office and boundary lines; assessments and taxes; industrial statistics; mines and mining; and railroads, canals, telegraphs, and telephones. The secretary collects through these various bureaus information of great importance concerning the relations between capital and labor, wages, processes of manufacture, value of products, condition of the laboring classes, etc. These facts, together with his views and recommendations, are set forth in his reports to the General Assembly.

165. Superintendent of Public Instruction.—The educational interests of the State are represented in the executive department by the superintendent of public instruction, who exercises general supervision of the system of public education (98). He commissions county, city, and borough superintendents of common schools, appoints and commissions the State trustees of the State normal schools, conducts the annual examinations of students in such schools, and appoints the State boards of examiners. He makes an annual report to the Governor, and these exercise considerable influence upon legislation on educational matters. Although appointed by the Governor for a term of four years, the State superintendent of public instruction can be removed only by impeachment.

166. Attorney-General. — The attorney-general is appointed by the Governor, and is the legal adviser and advocate of the State (86). His duties are increasing from year to year. He advises the Governor and other State officers on questions of law and of public interest whenever such questions are submitted to him for an expression of his opinion. Many of his duties relate to the finances of the State, and a large part of his work consists of the collection of delinquent claims certified to him by the auditor-general. He has access in the course of his business to the books, papers and documents in the offices of the auditor-general and State treasurer. He may proceed by law against any corporation that refuses to submit its affairs to examination by the proper officers, or violates any law binding upon it. In the course of his duty, he represents the Commonwealth in all appeals taken by corporations in the settlement of taxes. Through the courts he can proceed to force certain officers to perform their official duties. He submits to the Legislature reports of the official business transacted in his office. The attorney-general is a member of the board of pardons (87), the board of property and accounts, and of other important boards. His salary, $12000, is one of the largest paid to State officers; and the breadth of the duties of the office requires that he be a lawyer of pronounced ability.

167. Auditor-General.—The auditor general is elected for a term of three years, and is not eligible to the office for the next succeeding term (99). He makes an annual examination of the condition of the State treasury, including the treasurer's accounts, and all banks, corporations, etc., having deposits of the public funds. He examines and settles all accounts between the Commonwealth and other parties. The auditor-general has extensive powers to examine accounts, summon witnesses, and examine them under oath

if necessary. All warrants upon the State treasury are drawn by the auditor-general, except those drawn by the Governor; and such must be countersigned by the auditor-general. The books and papers of the treasurer's office are open to the inspection of the auditor-general.

168. State Treasurer.—The State treasurer is elected for a term of two years, and is not eligible to the office for the next succeeding term (99). He receives all money paid into the State treasury, and issues receipts therefor, which the auditor-general countersigns and registers. He pays all warrants drawn by the proper officers. He gives bond in the sum of $500,000 for the faithful performance of his duties. He makes an annual detailed report to the Legislature of the receipts and expenditures of the preceding year, ending November 30, and at the commencement of each session makes a financial report to the General Assembly. On the first business day of each month he renders a statement of account to the auditor-general, giving in detail the sums which make up the grand total of the amounts for that day in the State treasury, including moneys appropriated to the sinking fund. It also includes the names of banks and trust companies with whom public funds are deposited, and sets forth under oath the amounts of such deposits.

169. Secretary of Agriculture.—This officer is appointed by the Governor and confirmed by the senate for a term of four years. The creation of the office was due to the magnitude of the interests formerly entrusted to the State board of agriculture. The object of the office which he fills is to promote agriculture, horticulture, forestry, and kindred industries. His principal duties are to collect and publish information relating to many subjects such as the adaptability of grains, grasses and other crops to the soil

and climate of the State; wool growing and stock raising; diseases of domestic animals; methods and rates of transportation; valuation and taxation of farm lands; and all topics relating to the general agriculture of the State. Through his subordinates he is charged with the management of farmers' institutes; the enforcement of laws relating to the adulteration of food products and fertilizers; and the care and protection of forests against fire and other depredations.

By virtue of his office he is secretary of the board of agriculture. He has four assistants: the director of farmers' institutes, the dairy and food commissioner, the State veterinarian, and an economic zoologist.

170. The Great Seal.—The State provides for the use of its executive a seal called the great seal of Pennsylvania. In effect this seal is an instrument whereby the name and emblem of the State may be impressed upon the paper or other material upon which the official document is written. All commissions are issued in the name and by the authority of the Commonwealth of Pennsylvania, are signed by the Governor, and sealed with the great seal of the State (100).

Obverse

Reverse

CHAPTER XI

OTHER STATE OFFICERS: STATE BOARDS

171 How Appointed: Names.—Many other offices have been created by law and are filled through appointment by the Governor, with the advice and consent of the senate. The most important of these officers are:—adjutant-general, State librarian, factory inspector, superintendent of public grounds and buildings, superintendent of public printing and binding, commissioner of banking, insurance commissioner, highway commissioner, commissioner of forestry, commissioner of fisheries, chief of the department of mines, and mine inspectors.

The duties of these officers are, perhaps, sufficiently explained by their official titles. A few facts in regard to some of the special duties are here given.

172. Adjutant-General.—This officer is the Governor's chief of staff, and his military executive officer. He is the chief inspector of the National Guard of the State, and is the keeper of the military records of the Commonwealth. He has charge of all the battle-flags belonging to the State, and is also custodian of the war records and muster rolls. He is a member of the State military board.

173. Militia and the National Guard.—All male citizens of the State between the ages of 18 and 45 years, except such as are by law exempt from such service, constitute the militia of the State. The term National Guard is applied to such part of this body of men as is

organized, drilled, and under arms. In time of war such troops often form an important part of the volunteers mustered into the service of the United States. As at present organized, the National Guard consists of one division composed of three brigades. The commanding officers are a major-general and three brigadier-generals. The State has about ten thousand officers and men in the National Guard, while the militia number close to a million men. The State constitution directs that the freemen of the Commonwealth be armed, organized, and disciplined for its defense when, and in such manner as the laws may direct. The General Assembly shall provide for maintaining the militia by appropriations from the treasury, and may exempt from military service persons having conscientious scruples against bearing arms (167).

174. State Librarian.—This official has principal charge of the State library. He must be a person of known literary and bibliographic attainments. He receives two hundred copies of each of the public documents of the Commonwealth, and is required to maintain a system of exchange with other States, and with such foreign countries as grant an international exchange to the reciprocal advantage of all concerned.

The State library at present contains about 120,000 volumes divided into three classes: State papers, law, miscellaneous works. Each department is quite general and complete.

175. Factory Inspector.—The factory inspector has for his duties the enforcement of the acts of the General Assembly relating to the health and safety of women and children employed in mercantile industries and manufacturing establishments. He sees that no minors are employed at labor in such places more than sixty hours in any week; that no child under thirteen years is employed in such

establishments at all; that all machinery, belts, pulleys, and shafts are properly guarded; that all sanitary arrangements are suitable; that means of escape in case of fire are sufficient; and that over-crowding and non-ventilation of work-rooms are prevented.

176. Superintendent of Public Grounds and Buildings.—This official has charge of the Capitol buildings and grounds. He sees that all repairs and improvements are properly made, and employs the laborers required. He enforces good order in the buildings and on the grounds, by means of the Capitol police, of which force he has immediate charge. He is appointed for a term of four years, and is the executive officer of the board of public grounds and buildings.

177. Superintendent of Public Printing and Binding.—In order that the various reports and other public documents may be made serviceable, the State undertakes the printing and binding of such material. It is the duty of the superintendent to receive and take charge of all reports made to the Governor by the heads of departments, have the same printed by the State printer and delivered to the departments. He also arranges all matter ordered to be printed by the General Assembly, and supervises the printing of the same. He makes an annual report to the Governor.

178. Commissioner of Banking.—This State officer is appointed by the Governor for a term of four years, and by the faithful discharge of his duties is able to secure the public against losses through the operations of banking institutions not under the inspection and control of the National government. He has charge of the faithful execution of all laws relating to banks, banking companies, safe deposit, trust, real estate, guarantee, and surety com-

panies, and all other corporations receiving money on deposit and incorporated under the laws of the State. Neither he nor his deputy shall be interested as officer or stockholder in any corporation subject to their supervision. Every corporation subject to the supervision of the commissioner of banking must make at least two reports of its financial condition during each year. A summary of each report must be published at least three times in a local newspaper.

179. Commissioner of Insurance.—It is the duty of the insurance commissioner to see that the laws relating to insurance are faithfully executed. Each insurance company doing business within the State must file with the commissioner a copy of its charter, and an annual statement of its financial condition verified by the officers of the company. In addition to the requirements named above, companies from other States and countries must obtain from the commissioner certificates granting permission to do business in the State (186).

180. Department of Forestry.—This department was created by an act approved February 25, 1901, and has for its purpose the purchase and care of lands constituting State forestry reservations. Some of the duties which devolve upon the commissioner of forestry and his department are the selection and purchase of suitable lands for timber culture and protection; the establishing of a scientific system of forestry upon them whenever public sentiment shall approve of the necessary expenditures; the promotion and encouragement of care in the treatment of the forests of the State; and the publishing of information regarding the extent and condition of the forest lands in the State.

The commissioner is appointed by the Governor for a term of four years, and receives a salary of $3000.

181. Department of Mines: Mine Inspectors.—The department of mines has superseded the bureau of mines and mining of the department of internal affairs. It is charged with the supervision of the execution of the mining laws of the State, and the publication and care of the annual reports of the mine inspectors. The chief of the department of mines is appointed by the Governor for a term of four years. He must have at least ten years' practical experience as a miner and the qualifications of a mine inspector.

The mine inspectors of the State are practical coal miners to whom the duty of inspecting the various mines of anthracite and bituminous coal is assigned. They must see that proper precautions are taken for the safety of the workmen, and that the laws regulating the manner of operating the mines are enforced. In the anthracite coal fields the mine inspectors are elected by the voters of each district, and there are three boards charged with the duty of passing upon the qualifications of the candidates. Each board consists of two mining engineers and three coal miners, appointed for this duty in the three districts of the anthracite region by certain judges of the courts of common pleas. In the bituminous region the Governor appoints the examining board, and selects the inspectors from certified lists presented by the examiners.

Inspectors in the anthracite region are elected for three years, while those in the bituminous region hold office during four years. Each inspector must reside in the district for which he is appointed.

182. Commissioner of Health.—The department of Health takes the place of the former State board of health, but the powers are greatly increased. The management is in the hands of the commissioner of health and an advisory

board. The commissioner must be a physician of at least ten years' professional experience, and a graduate of a legally constituted medical college. He is appointed by the Governor for a term of four years, and by virtue of his office is a member of several important boards.

182. Executive Boards and Commissions.— There are many boards and commissions charged with important duties indicated sufficiently by the names given.

1. BOARD OF PARDONS

Lieutenant-governor
Secretary of the Commonwealth
Attorney-general
Secretary of Internal Affairs

2. BOARD OF PROPERTY

Secretary of Internal Affairs
Attorney-general
Secretary of the Commonwealth

3. STATE BOARD OF AGRICULTURE

Governor
Secretary of Internal Affairs
Superintendent of Public Instruction
Auditor General
Secretary of Agriculture
President of State College

Other members are either appointed by the Governor or State Poultry Association, or elected by the various county agricultural societies.

4. TRUSTEES OF STATE LIBRARY

Governor
Secretary of the Commonwealth
Attorney-general

5. STATE MILITARY BOARD

Adjutant-general
Auditor-general
State-treasurer

6. BOARD OF REVENUE COMMISSIONERS

Auditor-general
State-treasurer
Secretary of the Commonwealth

7. COMMISSIONERS OF THE SINKING FUND

Secretary of the Commonwealth
Auditor-general
State-treasurer

8. MEDICAL COUNCIL

Lieutenant-governor
Attorney-general
Secretary of Internal Affairs
Superintendent of Public Instruction
Presidents of the Boards of Medical Examiners
Commissioner of Health

9. COLLEGE AND UNIVERSITY COUNCIL

Governor
Attorney-general
Superintendent of Public Instruction.
Other members representing the Universities, Colleges, School Superintendents, and Normal Schools of the State.

184. Notary Public.—A notary public is a State officer whose chief duty is to attest or certify deeds, agreements, and other documents, usually under his official seal, to make them authentic. Such seal is judicially recognized all over the world. He also administers oaths, protests negotiable notes, and takes depositions and affidavits.

The laws provides that the Governor shall appoint and commission a sufficient number of persons of known good character, integrity, and ability as notaries public for the Commonwealth of Pennsylvania. The term of office is four years.

The salary of a notary public consists of fees fixed by law. He must pay twenty-five dollars to the State treasurer before a commission as notary public can be received.

185. Salaries of State Officers.—The salaries of some officers are here given as paid at present (1906).

Governor	$10,000
Lieutenant-governor	5,000
Secretary of the Commonwealth	8,000
Attorney-general	12,000
Auditor-general	4,000
Treasurer	8,000
Secretary of Internal Affairs	4,000
Superintendent of Public Instruction	4,000
Adjutant-general	4,000
Secretary of Agriculture	3,500
Commissioner of Banking	6,000
Commissioner of Fisheries	3,000
Commissioner of Forestry	3,000
Highway Commissioner	5,000
Insurance Commissioner	6,000
Dairy and Food Commissioner	2,500
Private Secretary to the Governor	2,500
State Librarian	2,500
Commissioner of Health	10,000
State Veterinarian	2,500
Secretary of Committee on Lunacy	3,000
Factory Inspector	5,000

General Agent of Board of Charities	$3,000
Economic Zoologist	2,500
Superintendent of Grounds and Buildings	3,000
Superintendent of Printing	3,000
Superintendent of State Police	3,000
Chief of the Department of Mines	4,000
Mine Inspectors	3,000
Chief Justice	10,500
Judges of the Supreme Court	10,000
Judges of the Superior Court	9,000
Judges of Common Pleas	
Philadelphia	8,500
Allegheny County	8,500
Dauphin County	7,500
Districts with population over 90,000	6,000
(If the district has but one judge, he receives $1,000 additional).	
All other districts	5,000
Judges of the Orphans' Court receive the same salaries as are paid to the common pleas judges of the same county	(highest) $8,500
State Reporter of Supreme Court	3,000

Certain officers receive extra compensation through additional duties which by law devolve upon their offices. Thus the lieutenant governor really receives $5,500, the auditor-general $5,200, the State treasurer $9,200, the adjutant general $4,600, and the secretary of internal affairs $4,500. Members of the Legislature are paid only every alternate year, since sessions come but once in two years.

CHAPTER XII

THE JUDICIARY (I)

186. The Judicial Power.—The judiciary is that branch of government in which the judicial power is vested. Its business is to determine what the law is; to apply it to cases where persons make conflicting claims to rights; to determine whether the law has been broken by persons accused of crime; to pronounce sentence upon such persons as have been found guilty and fix the measure of damage and punishment; and to order that the decisions be carried into effect.

187. Courts of Justice.—Without some power designed to decide disputes, to award justice, and to punish crime according to the laws of the State, government would be very imperfect, and could not long exist. If every man were his own judge in case of supposed injury, and were allowed to redress his own wrongs, the rights of others would be endangered. Justice is best secured to all by the establishing of courts of justice, or bodies of persons assembled by the authority of law for the administration of justice. In order that no person may suffer unjustly, it is provided that every person charged with crime or any other wrong, is entitled to a fair and impartial trial. In the eyes of the law a person is entitled to be considered innocent until conclusively proved to be guilty.

188. Trial by Jury.—The administration of justice in the courts of law is not left entirely to justices and judges. Trial by jury has been for centuries one of the

most jealously guarded rights of the people. This is the great guarantee of a just decision as to facts. The *Magna Charta*, wrung from the unwilling hands of King John at Runnymede in 1215, dealt with the rights of the English people at large: their right to good government, their right to security of person and property, their right to justice. One memorable article that lies at the base of the whole judicial system reads: "No freeman shall be taken, or imprisoned, or disseized, or outlawed, or banished, or any ways destroyed; nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers or by the law of the land" (10). Established here by our ancestors, this right of trial by one's peers has come to mean a trial by an impartial jury. The State constitution (7) says that trial by jury shall be as heretofore, and the right thereof remain inviolate.

189. The Jury.—A jury is a number of men qualified and selected as the law prescribes, and sworn to decide what are the facts in any case, and to declare the truth on the evidence given. It renders its verdict, after hearing the evidence of the witnesses. The term verdict is from *verum dictum*, "a true saying." A jury trial is of less importance as a guarantee that justice will be done in civil cases than in criminal cases where life and liberty are imperiled; so the constitution (127) allows the parties to a civil suit to dispense with trial by jury, and submit the decision to the court having jurisdiction. By the court is meant the judge or judges conducting the trial. The judgment rendered is subject to writ of error, as in other cases.

The law provides for two kinds of juries, the grand jury and the petit jury.

190. The Grand Jury.—In criminal cases the law takes special precautions lest innocent persons should suffer wrong. The grand jury may indict the accused person; if this is done, a petit jury tries him. The grand jury deals only with criminal cases, and decides which of these shall be brought before the court. The grand jury consists of twenty-three men from a panel of twenty-four summoned for duty. The court appoints one juror as foreman; and excuses one juror to avoid ties. The judge, on empaneling a grand jury, charges it to inquire into the offences against the laws of the State, and to report its findings. By means of a preliminary hearing of evidence presented by the Commonwealth, that is, the evidence against the accused, the grand jury determines whether the persons arraigned for crimes on suspicion shall be tried or dismissed without trial. The jury sessions are secret, no one else but the district attorney and witnesses being allowed to be present at its sessions. Only one witness against the accused is allowed before the grand jury at one time. The mode of procedure is very deliberate, and the jury must first decide that a crime has in all probability been committed. If a case is made out against the accused, the foreman endorses the bill of indictment, and it becomes "A true bill." If not already arrested, the person named is taken into custody. When the evidence is not judged sufficient to warrant trial, the bill is endorsed "Not a true bill," and the accused, if already arrested, is released. Twelve members of the grand jury must concur in any indictment found. Sometimes a written accusation is presented by the grand jury upon its own motion, that is, without waiting for a bill to be framed and presented by the district attorney. Such a formal accusation is called a presentment. There are three ways in which one suspected

of crime may be accused formally of the offence: by information, by indictment by a grand jury, and by presentment. The information is a written accusation, presented under oath by a prosecutor, to the court having jurisdiction of the offense charged therein. It is the form of accusation used in cases of small magnitude, although in some States it is used almost to the exclusion of every other.

Certain duties of a supervisory nature are performed by the grand jury; these are the annual inspection of the prison, poor-house, court house, and other public buildings of the county, and the approval of the location of county bridges.

The grand jury does not try cases, but merely makes inquiry into them. Why then is it necessary to the course of justice? The grand jury is instituted to protect innocent persons from the trouble and expense of defending themselves in court against false accusations. It has been claimed that this protection is not always afforded; yet grand juries do not often indict persons unless there is strong probability of the accused being found guilty on trial. The fifth amendment to the Constitution of the United States expressly provides for the institution of grand juries. See also (11) in the State constitution.

191. The Petit Jury.—This is the jury which is to discover and pass upon the facts in a case at law. In any single case in law it consists of twelve men, all of whom must agree in a verdict. After hearing the evidence, the pleas of the attorneys, and lastly the charge of the judge, the jury retires to a room and makes up its verdict without consultation with any person but the judge. In criminal cases the verdict is "Guilty" or "Not Guilty"; and in cases of misdemeanor where the verdict is "Not Guilty", the costs may be placed upon the defendant, the prosecutor,

or the county, or they may be divided in such manner as the jury may deem proper. If the jury cannot agee upon a verdict, it is called a "hung" jury, and a new trial before a different jury must be ordered.

In civil cases the mode of procedure is very similar. Verdicts take the form "For the plaintiff," or "For the defendant." In those cases wherein damages are awarded the jury fixes the amount.

192. Drawing the Jury Panels.—The manner of selecting the grand and petit jurors is prescribed by law. The jury commissioners of each county, and the president-judge of the district, or the associate judge of the county if not a district by itself, meet at the county seat at least thirty days before the first term of the court of common pleas each year and select alternately from the list of qualified voters a certain number of names. These are written on slips of paper and locked up in the jury-wheel, the key being given to the sheriff. On an order, issued by the prothonotary to the sheriff and jury commissioners before any term of the court of common pleas, the names of the number of persons who are to serve as jurors are drawn from the jury-wheel. The number of petit jurors drawn is usually from forty to sixty. The persons are then summoned by the sheriff to appear in court, and the panel of names is returned to the prothonotary.

In a similar manner the clerk of the court of quarter sessions and of the court of oyer and terminer, under the direction of the courts, issues a writ to the sheriff and the jury commisioners to draw and summon a grand jury, and also petit jurors to act in such cases as are to be brought before these courts.

A juryman receives compensation at the rate of two dollars a day during the time of his service.

193. Selecting the Jury for a Case.—In selecting the twelve jurors for a particular case, either side may object to a juror if he has already made up his mind, or is strongly predisposed, or is related to the accused, or, in cases of murder, he disapproves of the death penalty in case of conviction. Such objections to jurors are called *challenges*. Besides challenges for cause, each side is allowed a certain number of peremptory challenges for which no grounds need be stated.

194. Employing Counsel: Witnesses.—It is usual for a man who is involved as a litigant to employ a lawyer to manage the case before the court, although it is lawful for any one to plead his own cause. After the selection of the jury by the counsel for the defendant and the counsel for the plaintiff or the prosecution, the witnesses are examined and cross-examined. The counsel on each side examines the witnesses that he brings in behalf of his client, and cross-examines those brought to the witness stand by the other side. After the evidence is all in, the council for the plaintiff or the prosecution presents his side of the case to judge and jury in an address called an argument. The counsel for the defense follows. The judge's charge to the jury sums up briefly the history of the case as presented in court, and instructs the jurors as to the law applied to the case before them. It will be seen that the judge's charge is a very important element in the determination of the verdict. The jury may return to the judge for further instruction upon any points in regard to which they may be in doubt.

Witnesses are summoned to appear in court by a legal writ called a subpoena—that is, "under a penalty" in case of disobedience or contempt. In all criminal prosecutions, the accused has the right to have compulsory process for obtaining witnesses in his favor (10).

195. The Appeal.—If the defeated person in a suit still thinks that he has a good case, or that errors have been made in the trial, he may through his counsel apply for a new trial. If this is granted, it proceeds before a new jury in the same manner as when first tried. If a new trial is refused, he may appeal to a higher court. The supreme court is the highest State court to which any citizen can appeal.

In a criminal case, if the verdict be "Not guilty", the prisoner is at once released. The State has no right of appeal.

196. Judgment and Sentence.—When the verdict of the jury has been given, the decision of the court soon follows. In a civil case this is called the *judgment*, and in a criminal case the *sentence*. The person obtaining a judgment may cause the personal property and, if necessary, the real property of the adjudged person to be seized and sold by the sheriff to the amount of the judgment obtained. If found guilty in a criminal case, the person is sentenced to undergo the penalty of the law. A prisoner may appeal to the Governor for pardon, or respite, or commutation of sentence. The carrying out of the sentence imposed is the *execution*. The term is applied to the lawful infliction of the death penalty; but it is also lawfully employed to name the writ empowering an officer to carry any judgment into effect.

CHAPTER XIII

THE JUDICIARY (II)

197. Wherein the Judicial Power is Vested.— The judicial power of the Commonwealth is vested (101) in a supreme court, a superior court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, and in such other courts as the General Assembly may from time to time establish. The superior court named in order above was established by the General Assembly in 1895 through the exercise of the power conferred by the constitution.

198. Jurisdiction Defined. — In its most general sense, *jurisdiction* is the power to make, declare, or apply the law. It may be limited to place or territory, to persons, or to particular subjects. When used in regard to the judiciary department, it means the judicial authority over a cause or class of causes. It is the legal power, right, or authority, of a particular court to hear and determine causes, to try criminals, or to execute justice. A court of justice is said to have *original* jurisdiction when a case may be begun or originated in that court. The decision or judgment of any court of justice, except the highest in the system, is not necessarily final. Many cases tried in the lower courts, as courts of original jurisdiction, may be appealed to the higher courts for reconsideration. The higher courts, under such circumstances, are said to

exercise *appellate* jurisdiction, the case being brought to the higher court by appeal. The law defines the grade of court or courts in which a case may originate; and also determines whether or not a case may be appealed to a higher court. The law provides that some classes of cases may originate in either of two grades of courts. Such courts are said to have *concurrent* jurisdiction.

199. Justices' Courts.—The courts of lowest grade in jurisdiction and simplest in procedure are the justices' courts, presided over by justices of the peace, burgesses, aldermen, magistrates, and mayors. These courts are discussed more at length under their respective headings under township, borough, and city governments.

200. County Courts.—Counties were organized from the first on the general plan of judicial districts, although each county is not necessarily a separate district; yet each county has its own courts. Under the laws of the Commonwealth, the county courts have wide original jurisdiction over nearly all civil and criminal cases that arise in the course of the affairs of life. Their appellate jurisdiction extends over the greater part of the petty cases over which the justices' courts exercise original jurisdiction.

Courts of common pleas, of quarter sessions of the peace, of oyer and terminer and general jail delivery, and orphans' courts, are held regularly in each county seat, and are conducted in large part by county officers. The court of common pleas exercises jurisdiction in all civil cases. The terms of the two criminal courts—oyer and terminer, and quarter sessions of the peace—are identical; they have the some officers and jurors, and differ only in the nature or degree of the cases brought before them. The court of oyer and terminer—"to hear and to determine"—has jurisdiction in cases of murder, forgery, robbery, burg-

lary, arson, and other grave crimes. The court of quarter sessions of the peace exercises jurisdiction in cases of petty crimes, such as theft, assault and battery, etc. The orphans' court settles the estates of deceased persons, and has jurisdiction over the estates of orphans and other wards. The terms of the several courts usually begin at the same time and are held by the same judges (109). In large counties the terms of orphans' court are arranged for independently, but elsewhere they are held in connection with the other courts.

201. Juvenile Courts.—Under the act of May, 1901, judges of the county courts may establish *juvenile courts* in which cases with a criminal tinge, involving children under sixteen years of age as culprits, may be considered. An order is made by the courts of oyer and terminer and the courts of quarter sessions naming one or more judges of their number to preside over children's court, and designating the place for the trial of cases. The law is intended to dissociate the trial of children from those of adults for its moral effect. Besides providing for court proceedings against children, the juvenile court has power to regulate the treatment and control of unfortunate children. A prominent feature of these courts is found in the probation officers who aid the court officers in investigating the cases which arise. Their duties are numerous, and in criminal cases these officers look after the children and take the place of the sheriff. The detention of children in jails or prisons where adults are confined is forbidden. Actions concerning children are brought directly before these courts, and not before magistrates. Any responsible person may enter juvenile court and report the condition of neglected children. The court is empowered to take children from their homes and place them in charitable institutions. Women interested

in charitable work are often appointed probation officers. One difficulty found in the work of these courts is the lack of any provision for places of detention. Notwithstanding its defects the law establishing these courts has amply proved its usefulness, and it will continue to be the means of dealing with young offenders in a manner calculated to prove beneficial to them and to the Commonwealth. The methods which these courts provide are a great improvement upon those formerly used in such cases.

202. Judicial Districts.—The State constitution provides (105) that whenever a county contains 40,000 or more inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges as the business of the district may require. Under this provision most of the counties form separate judicial districts. Counties containing a population less than is sufficient to constitute separate districts are formed into convenient single districts, or, if necessary, may be formed into joint districts of two or more counties in each (104).

The present judicial districts were established by the act of apportionment of 1901; the number of judges to be elected in each district is also therein stated. There are fifty-six districts. The city and county of Philadelphia constitutes the first district; it has fifteen judges in the common pleas, and four in the orphans' court. The county of Allegheny forms the fifth district, and has nine judges in the common pleas and three in the orphans' court. Three districts have three judges in the common pleas and one judge in the orphans' court. Four districts have two judges in common pleas and one judge in orphans' court; seven districts have two judges for all courts. The other districts have one judge each. As to territory, seven districts are composed

of two counties each, and two districts of three counties each; in all other cases the county is the judicial unit.

203. County or District Judges.—The judges of county courts are elected by the qualified voters of the entire judicial district at the general election on the Tuesday next after the first Monday in November. They enter upon their duties on the first Monday in January next after their election. Judges are commissioned by the Governor and take the oath of office (132) required of all judicial, State, and county officers. The president-judge of a district is the one whose commission expires at the earliest date. But when two or more judges are elected at the same time in any district (117), they determine by lot which shall be president-judge; unless the president-judge is re-elected, in which case he continues as president-judge of that court. Judges are elected for a term of ten years, and hold office during that time unless removed through misbehavior (115). Casual vacancies are filled by appointment made by the Governor (125). The regular salary of a county judge, in a district of less than 90,000 population, is $5,000; in Philadelphia, $8,500; in Allegheny county, $8,500; in Dauphin county, $7,500; in districts having over 90,000 inhabitants and less than 500,000, $6,000; and in the same districts, if there be but one judge, he shall receive an additional $1,000. During their continuance in office, judges must reside within the districts for which they are elected (119). Mileage is allowed for all necessary travel.

204. Duties of County Judges.—The duties of a judge are numerous, and call for superior qualifications and abilities. His chief duty is to preside at the trial of civil and criminal cases. He must see that the trial is impartially conducted; must hear the evidence, and decide the

points of law raised during the trial; and deliver the charge to the jury with instructions as to the making up of the verdict. Judges are not to charge juries with respect to matters of fact, but may state the testimony and declare the law.

Among the other duties are the declaring of judgments, the sentencing of convicted persons, the granting of petitions, the holding of juvenile court, the appointment of probation officers, the removal of certain officials, the issuing of naturalization papers, the staying of executions, and the chartering of corporations not for profit; also the issuing of writs of injunction, *certiorari* (110), *mandamus*, *quo warranto*, and *habeas corpus*.

205. Associate Judges. — Counties with less than 40,000 inhabitants may be formed into joint judicial districts of two or more counties each. Each of the counties forming such a district has two associate judges not learned in the law. These men need not be, and generally are not, lawyers. The district elects one judge learned in the law, who is the president-judge, and who holds court in the counties of his district in turn. Associate judges have the same powers as the president-judge, but rarely exercise any but a few of them. They administer oaths, grant licenses, establish new roads, issue writs of *habeas corpus*, stay writs of execution, and conduct similar judicial business. Since they reside in their respective counties, their services are a convenience during the absence of the president-judge. In court they are mainly advisory members on the bench. Being citizens of the county, they know the people and the needs of the county. The term of office of associate judges is five years, and their salary is five dollars per day when actually engaged in the performance of their official duties. The proper basis of salary is the time of their attendance at court.

206. Recording Officers of Courts.—Certain county officers, whose duties are noticed under the discussion of the county government, are charged with the duty of preparing and preserving the records of the courts, in order that the matter may be preserved for future reference and use in appeals and other legal business. The recording officers are the prothonotary and the clerk of the courts. Justices' courts, not being courts of record, have no clerks; but the justice keeps a docket.

207. Ministerial Officers.—Other officers of the courts have for their duty the performance of certain work of a ministerial nature, such as the serving of writs, the summoning of witnesses, the execution of orders, etc. The sheriff is the chief ministerial officer of all the county courts. Minor ministerial officers are the court crier, who proclaims the orders and the directions of the court; also the tip-staff, a constable who preserves order and may perform the duties of court crier. In justices' courts, the ministerial officers are the township, borough, ward, or city constables or policemen.

208. The Higher Courts.—The judicial department is the proper organ for interpreting and construing the laws of the State. When disputes arise concerning the meaning of a law in special cases, or doubt whether a law is constitutional or not prevails, appeal must be made from a lower court to a higher court. Such higher courts may have both original and appellate jurisdiction, civil and criminal; but the original jurisdiction is generally very small. By establishing the supreme court, the State constitution provides directly for a court of final appeal; but it confers upon the General Assembly (101) the power to establish additional courts whenever the necessity shall arise. In 1895, for the purpose of relieving the supreme court of a part of its large

business, the superior court was established as a court of intermediate appeal between the county courts and the supreme court of the State. The wisdom of this action is abundantly borne out in the resulting facility with which the judicial business of the Commonwealth is accomplished. The judicial power of the State now begins in the justices' courts and ends in the superior court or in the supreme court.

209. The Superior Court.—This court consists of seven judges elected by the qualified voters of the State. The term of office is ten years, and begins on the first Monday of January after the election. When two or more judges of the superior court are to be elected for the same term of service, each elector may vote for as many persons less one as there are judges to be chosen at that election.

The jurisdiction of the superior court is almost wholly appellate, the sole evidence of original jurisdiction being the power to issue writs of *habeas corpus*. The court has exclusive and final appellate jurisdiction in all cases of appeal from the courts of quarter sessions—a judge of the superior court consenting—except cases in which the right to public office is involved; also, under the same condition, all cases of appeal from the courts of oyer and terminer, except murder (124). In civil matters, its jurisdiction is exclusive and final when the amount is not greater than $1000, except cases brought officially by the attorney-general, or those which relate to public officers. However, there may be an appeal from the superior to the supreme court in any case in which the jurisdiction of the superior court is questioned; or the construction and application of the State constitution is involved; or the Constitution of the United States or its statutes involved; or any case which the supreme court will permit to be brought on appeal before that tribunal.

The superior court sits at Philadelphia, Pittsburg, Harrisburg, Scranton, and Williamsport, at least once a year in each city. It has five prothonotaries. The chief judge of the superior court is the one who has been longest in commission. The salary of the judges is $9,000 per annum.

210. The Supreme Court.—The court of final appeal is the supreme court (102). The State constitution provides that this shall consist of seven judges who shall be elected by the qualified voters of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The term of office commences on the first Monday of January next succeeding the election, and the Governor commissions accordingly. Whenever two judges of the supreme court are to be chosen for the same term of service, each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected (116). Priority of commission in such cases is determined by lot (117). The judge whose commission shall first expire shall be chief-justice (102). During their continuance in office, the judges of the supreme court must reside within the Commonwealth (119).

The salary of the chief-justice is $10,500 a year, and that of the other judges of the supreme court is $10,000. They can receive no other compensation, fee, or perquisite of office (118).

211. Jurisdiction of the Court.—The territorial jurisdiction of the supreme court is co-extensive with the State. By virtue of their offices, the judges are justices of oyer and terminer and general jail delivery in every county in the State, and could hold such court in any of its coun-

ties (103). The original jurisdiction of the court is relatively small and relates to cases of injunction where a corporation is a defendant, of *habeas corpus*, of *mandamus* to courts of inferior jurisdiction, and of *quo warranto* as to all officers of the Commonwealth having jurisdiction extending over the State. The court has appellate jurisdiction by appeal, *certiorari*, or writ of error in all cases, as is now or may hereafter be provided by law (103). An appeal to the supreme court may be made by either party to a civil suit. In order to check numerous and unnecessary appeals in criminal cases (124), the defendant must first obtain permission from one of the judges of the supreme court before the case can be appealed to that tribunal.

When we consider the State courts as a system, commencing with the lowest and ending with the supreme court, it is found that their jurisdiction both civil and criminal is unlimited in so far as State law is concerned. There is no appeal from the decisions of the State courts to the United States courts, except in cases in which some point in Federal law arises. In some cases the State courts have concurrent jurisdiction with the United States courts; but whenever the State courts have such jurisdiction, it is control which the State possesses in its own right, independent of the Constitution of the United States.

212. The Case on Appeal.—The manner of trial of a case on appeal to either the superior court or to the supreme court differs entirely from the original method of procedure before the county courts. None of the witnesses are present, nor is there any jury. No new evidence is admitted. The records of the lower courts, and the proceedings in the case are presented in printed form for examination. The court reviews the case as thus presented, considers the arguments of the lawyers, made orally or sub-

mitted in the form of briefs, and then renders its decision. This must consist of the opinions of a majority of the judges of the court. These decisions are final, except where the Constitution or laws of the United States are concerned, and become the law for all subsequent cases of the same kind so long as they are not reversed. The reports of the decisions of the supreme court are second only to the acts of the General Assembly in importance to those who would know the State laws. The decisions are carefully compiled by the State reporter of the supreme court, and are published by the State.

The supreme court has three prothonotaries, and the State is divided into three districts, eastern, middle, and western. The court sits at Philadelphia, Harrisburg, and Pittsburg; these cities are the seats of justice respectively for the districts named. One term is held annually in each city.

213. An Honorable Record.—The salaries paid to the judges of the several courts in Pennsylvania are much higher than the average salaries paid in other States. The terms of office are also longer; that of the judges of the supreme court is the longest granted in any of the States of the Union,—the nearest approach to life-tenure. These facts have enabled the Commonwealth to secure the services of better men as judges, and the Bench of the State has not been scandalized as elsewhere in the country. The roll of judges has within the past included men who would do honor to any court in any country.

CHAPTER XIV

IMPEACHMENT AND REMOVAL: OATH OF OFFICE

214. Origin of Impeachment.—The provisions for the impeachment of public officers come from the custom which prevails in England. Since the times of Edward III. and Richard II., the House of Commons has occasionally exercised the power of impeaching the king's ministers and other public officers. One of Richard's ministers was impeached for corruption in office, and was convicted, although the king had declared previously that he would not, at the prayer of Parliament, dismiss even a scullion from his kitchen. To-day, the king's ministers are responsible to Parliament for their administration of office.

215. The Power to Impeach: Of Trial.—In the Commonwealth of Pennsylvania, the house of representatives has the sole power of impeachment (128), and the senate has the sole power of trial of the cases which arise (129). When sitting for that purpose, the senators shall be upon oath or affirmation. In order to guard against the use of impeachment for political purposes, a two-thirds vote of all the members present is required for conviction. In case of conviction, the judgment cannot extend beyond removal from office and disqualification to hold any office of trust or profit under the Commonwealth; but whether acquitted or convicted, the person is still liable to be tried and punished by the ordinary processes of law (130).

The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office.

216. Removal from Office.—All officers shall hold their offices on condition that they shall behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, except judges of the courts of record and the superintendent of public instruction, may be removed at the pleasure of the appointing power (131).

217. Oath of Office.—Senators and representatives, (132), and all judicial, State, and county officers must take the oath of office prescribed by the State constitution before entering upon their duties. It is administered by some person authorized to administer oaths. The oath is administered to members of the senate and house of representatives, by a judge of the supreme court or of a court of common pleas, in the hall of the house to which the members are elected. The oath of a State officer or of a judge of the supreme court is filed in the office of the secretary of the Commonwealth; and in the case of other judicial and county officers, the oath is filed in the office of the prothonotary of the county wherein it is taken. Violation of the oath of office is perjury.

218. Public Officers.—All officers, whose selection is not provided for in the constitution, shall be elected or appointed as may be directed by law (168).

No member of Congress, nor any person holding or exercising any office under the United States can, at the same time, hold or exercise any remunerative office in this State (169). The Legislature may declare certain offices incompatible, as, for example, the office of judge and notary public.

Dueling disqualifies a person from holding public office, and he may be otherwise punished (170).

CHAPTER XV

SUFFRAGE AND ELECTIONS

219. Who may Vote.—The Constitution of the United States leaves to the different States the power to define the conditions upon which a person shall exercise the right to vote, called the *right of suffrage*, except that it expressly provides that the right of citizens of the United States to vote shall not denied or abridged on account of race, color, or previous condition of servitude.

Under the constitution of Pennsylvania (133) there are three personal qualifications:

The voter must be (a) of the male sex, (b) at least 21 years of age, and (c) a citizen of the United States at least one month before the election. Aliens cannot vote, no matter how long they may have lived in the State. Women cannot vote, although they are eligible to any office of control or management under the school laws of the State (166). The ownership of property, and the ability to read and write are not necessary qualifications of an elector. Besides the three personal qualifications there are three others relating to (d) residence, (e) payment of taxes, and (f) registration.

220. Residence.—To have the right to vote, the person must have resided in the State at least one year next preceding the date of the election; but if, having previously been a qualified voter or native-born citizen of the State, he shall have removed from the State and returned, then he must have been in residence six months immediately pre-

ceding the election. He must have resided in the election district where he shall offer to vote at least two months next preceding the election (133).

221. Payment of Taxes.—If the elector is twenty-two years of age or upward, he must have paid, within two years, a State or county tax, which shall have been assessed at least two months, and paid at least one month, before the election. It is unlawful for any person or persons to pay or cause to be paid any occupation or poll tax assessed against any elector, except on the written and signed order of such elector authorizing such payment to be made. This order must be presented at least thirty days before the date of the election at which the elector desires to vote.

Between the ages of twenty-one and twenty-two a young man may "vote on age," that is, without having paid any tax. A man who has no real estate or other property taxable by county or State votes on payment of his occupation tax, a small sum collected by the county on the voter's occupation or business.

222. Registration.—Townships, and wards of cities or boroughs, form or are divided into election districts (143), and registry lists of the qualified voters are made. The duty of compiling this list devolves upon the assessor of the township or ward. This officer posts a copy of the list on the door of the house where the election for the district is held. Complaints of errors are received, and corrections made. The revised lists are returned to the county commissioners, who put the names in alphabetical order and furnish two copies to the election boards of the proper district for use at the polls. One list is used by the inspectors of election who have charge of the ballots, to check off the names of voters as their ballots are furnished them; the other list is used to designate which persons have voted (136).

These are called the ballot check list and the voting check list respectively.

223. Privilege of Electors.— Except for treason, felony, or breach or surety of the peace, voters cannot be arrested during their attendance at the polls, and in going to and returning therefrom. This provision of the constitution prevents corrupt misuse of legal process (137).

224. Voting Room and Booths.—The county commissioners must provide for each election district a room fitted up with a number of voting shelves or booths at which the voters may mark their ballots secure from observation by others. A guard-rail must also be so constructed and placed that only the persons within the rail can pass within six feet of either the ballot box or the voting shelves; yet the ballot box and voting shelves must not be hidden from the view of persons just outside the guard-rail.

225. Time of Elections.—Two election days are provided for by the constitution. The general election is held annually on the Tuesday next following the first Monday of November. At this time are elected National officers, State officers, county officers, and officers elected by districts, such as judges and members of the General Assembly (134).

Elections for township, borough, ward, city, and school district officers are held on the third Tuesday of February in each year (135).

Polls open at seven o'clock in the morning and close at seven o'clock in the evening.

226. Election Officers.— The officers forming the election board are chosen annually by the citizens. This board consists of a judge and two inspectors; and each inspector appoints one clerk (146). Each elector has the right to vote for the judge and one inspector. Minority representation on the board is thus secured in general, al-

though it may happen that both inspectors may be chosen from one political party. These officers are sworn to conduct the elections secretly and fairly, and may be severely punished if this is not done.

The pay of election officers is three dollars and fifty cents for each election, without regard to time.

227. Cannot be Arrested on Trivial Charges.—Election officers are privileged from arrest (146) upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof for an election fraud, for felony, or for wanton breach of the peace.

228. The Ballot.—The constitution requires that all elections shall be by ballot (136) or by such other method as may be prescribed by law; provided that secrecy in voting be preserved (Amendment No. 3). The essential features of a good method of balloting are that the voter shall have every opportunity to select from all the candidates, free from solicitation, coercion, or bribery, the candidates of his choice; and that he may do this in private, and deposit his ballot without interference.

These advantages are secured in Pennsylvania by the use of the "Baker Ballot," a modification of the Australian ballot. The Ballot Reform Act of 1893 provides that all ballots cast in elections for public officers within the Commonwealth shall be only those prescribed by law and printed and distributed at public expense. The secretary of the Commonwealth prepares all forms and blanks, and furnishes copies to the county commissioners. The commissioners procure further copies at the cost of the county, and furnish them to the election officers or other persons by whom they are to be used, in such quantities as may be necessary. The names of all candidates for any office specified on the

ballot are printed on one sheet of white paper which must not be less than six inches long and four inches wide. All the ballots used at the same voting place at any election must be alike.

229. How the Names are Arranged.—The names of candidates for all offices, except President and Vice-President, are arranged under the title of the office for which they are candidates in an order fixed by law. At the right of the name of each candidate the name of the party nominating him is printed, and at the right of the party name there is a square of sufficient size to allow the convenient insertion of a cross-mark. At the end of the list of candidates there are also blank spaces wherein the voter may write the names of other persons for whom he may desire to vote. Whenever a constitutional amendment or other question is submitted to the vote of the people, it is printed after the list of candidates, and followed by the words "yes" and "no." On the extreme left of the ballot, and separated from the rest by at least one-half inch, a list of the names of all the political parties represented on the ballot is printed, and a square for the insertion of a cross-mark is placed at the right of each party name. At the head of each ballot the following instructions are printed: "To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice, in the first column." "A cross-mark in the square opposite the name of any candidate indicates a vote for that candidate." Other instructions how to mark,* and such words as "mark one," "mark two," and the like, may be printed upon the ballots. The intention of the law is to give each voter a clear oppor-

*"The voter may insert in the blank space at the bottom of each group, the name of any person whose name is not printed on this ballot, for whom he desires to vote."

tunity to designate his choice of candidates by a cross-mark (X) in a square of sufficient size at the right of the name of each candidate. The courts have no jurisdiction to direct what instructions the county commissioners shall or shall not give to voters as to marking ballots.

When Presidential electors are to be chosen, the names are arranged in party groups, and at the head of each group of candidates are placed the appropriate party name and the surnames of the candidates of such party for President and Vice-President. At the right of the space containing the surnames of the candidates for President and Vice-President, and their party name or political appellation, the usual square for the cross-mark is placed, and also at the right of the name of each candidate for Presidential elector.

Every party, which at the election next preceding had two per cent. of the highest number of votes cast for any State office, may have its candidates on the ticket. Independent candidates may also have their names placed upon it by presenting nomination papers signed by one-half of one per cent. of the voters of the State for any State office; and, in case of any other office, by two per cent. of the highest number of votes cast for any office in the county, township, or other district for which the independent nomination is made.

230. Provision for Mistakes.— Each voter is provided with a ballot already folded. If he inadvertently spoil the ballot, he may obtain another by returning the spoiled one. Any ballots thus returned are immediately cancelled; and at the closing of the polls are placed in an envelope, sealed, and sent to the proper office as required by law in the case of the ballots cast.

231. Specimen Ballots.— Copies of the form of the ballot provided are printed upon tinted paper, but without

the fac-simile endorsements seen upon the regular ballots. From these and from the printed instructions furnished, voters may learn how to mark their ballots.*

232. Officers and Watchers.—In order that the voter may be free from all solicitation, coercion, or bribery, the election laws clearly specify the places which voters, officers, and watchers shall occupy in the voting room.

Within the voting room, but outside the guard-rail, are the police officers, constables, and deputy constables required by law to be at the polls. Each party or group of citizens having candidates up for election has the right to have three watchers appointed for each district. Only one such watcher for each party is allowed in the voting room at the same time, and then only outside the enclosed space. He must be provided with a certificate from the county commissioners, and is required to show it when requested to do so. No person when within the voting room is allowed to electioneer or solicit votes; nor can any written or printed matter for that purpose be posted up within the voting room. Not more than ten voters, besides the officers and watchers, are allowed in the room at any one time during the voting period.

Within the guard-rail are the judge of election and the two inspectors who constitute the election board; also the clerks of election appointed by the inspectors (146).

233. Manner of Voting.—Any person desiring to vote gives his name and residence to one of the election officers in charge of the ballots, who at once announces the name in a loud and distinct tone of voice. The inspector or clerk in charge of the ballot check list looks for the name, and, if it is found upon the list, he repeats the name

*These specimen ballots may be made useful aids to the teacher in the classroom in explaining the procedure in elections.

and the voter is admitted within the guard-rail unless his right to vote is challenged.

As soon as the voter is admitted within the guard-rail, the election officer in charge of the ballots detaches a ballot from the stub, folds it so that only the words printed on the back are visible, and hands it to the voter. As soon as the ballot is thus given to the voter, the letter "B" is marked against his name on the margin of the ballot check list. The voter retires at once to one of the voting shelves or booths, draws the curtain or shuts the door, unfolds the ballot and without unnecessary delay shows his choice of candidates by marking. If he wishes to vote a straight ticket, he makes a cross (X) in the appropriate square opposite the name of the party of his choice in the straight party column on the left of the ballot, and such cross-mark is equivalent to a vote for every candidate of the party so marked. If he desires to divide his vote among candidates of two or more parties, he must mark in the appropriate square, opposite the name of each candidate for whom he may desire to vote. He may insert in the blank spaces provided therefor any name not already on the ballot. In case of a question submitted to the vote of the people, he places a cross (X) against the answer he desires to give. A cross-mark in the straight party column counts as a vote for each Presidential elector nominated by that party, but if the voter desires to divide his votes among candidates from different groups, he must make a cross-mark to the right of the name of each elector for whom he wishes to vote. Before leaving the voting shelf, he folds the ballot without displaying the markings thereon, in the same way it was folded when received by him, and keeping the same so folded, himself deposits it in the ballot-box without undue delay, and immediately thereafter retires from the enclosed space. The voter's name is

then checked with the letter "V" on the margin of the voting check list by the election officer having charge of this duty.

234. Non-Registered Voters.— The constitution provides that no elector shall be deprived of the privilege of voting by reason of his name not being registered (139). The person thus claiming the right to vote must produce at least one qualified voter of the district to subscribe, under oath, that the claimant has resided in the district for two months immediately preceding the election (133); the claimant must also make oath or affirmation that he is a qualified voter under the required conditions.

235. A Challenged Vote.—Although the name of a proposed voter may be on the list, any of the officers or any qualified citizen of the district may object to the admission of the vote. When the right of a person to vote is thus questioned, the vote is said to be challenged. The person whose right of suffrage is thus challenged must publicly make proof of his claims as required by law before his vote can be received.

236. What Residence Means.—By the residence of a voter is meant his place of abode or his permanent home. For the purpose of voting, no person can gain a residence by remaining in a place for temporary purposes of business, pleasure, or education no matter how long he may prolong his stay.

237. Registration in Cities.—The Legislature by the act of February, 1906, provides for the personal registration of voters in cities of the first and second classes, and makes such registration a condition of the right to vote at an election. The Governor appoints a board of registration commissioners for each of such cities, consisting of four members not more than two of whom may be of the same politi-

cal party. These commissioners hold office for three years, or until their successors qualify. The board appoints, not later than August fifteenth of each year, four registrars for each election district. Not more than two of these can be of the same political faith. No public officer or candidate for such office can act as registrar. The registrars of each division meet at the polling place on the ninth Tuesday, seventh Tuesday, and fourth Saturday preceding every November election, and on the fourth Saturday preceding every municipal election; and, in open session from seven o'clock in the morning until ten o'clock in the evening, receive personal applications from persons claiming the right to be registered. Every person claiming the right to vote must appear in person before the registrars, in the election district in which he lives, before every general election, and answer the questions put to him by them. These answers are recorded in two registers, the size and character of which is determined by the secretary of the Commonwealth according to certain forms which the law specifies. Severe penalties are attached to fraudulent actions of either the registrars or voters in all matters pertaining to registration.

In the act of March 1906, provision is made for personal registration in all cities of the third class. The county commissioners in which the city is located appoint two registrars for each election precinct or ward, to serve for three years. The board of registrars shall be, as nearly as may be, evenly divided in political faith. The size and character of the registers used are determined by the county commissioners according to the forms set forth in the law. The process of registration is similar to that in the cities of the first and the second classes. Registrars are appointed not later than June fifteenth. They meet at the polling places on the ninth Tuesday, seventh Tuesday, and third Saturday

preceding every general election, and on the third Tuesday preceding every municipal or February election. The registration sessions are open from eight in the morning until one o'clock in the afternoon; then from two o'clock until six in the evening; and also from seven o'clock until ten at night of each registration day. Under the operation of these new laws, hereafter, in all our cities it will be known in advance of the election how many votes can be cast, and who will have the right to cast them. And the result will be that the elections will be purer and more honest than ever before in our history. Those citizens who have sufficient intelligence to place a proper value on the right to vote will see that the right is secured to them through registration. Those who have not will probably give the matter no attention, and it is just as well that they should not, for the community is better off with them disfranchised.

238. Bribery.—The giving or the receiving of a bribe for a vote is a misdemeanor punishable by fines and imprisonment (140). In addition to these penalties, any person convicted of a wilful violation of the election laws is excluded from the right of suffrage, absolutely for four years; and, if a candidate for office, he becomes forever incapable of holding any office of trust or profit within the gift of the Commonwealth (141).

239. Counting the Vote.—After the polls are closed, and before the ballot boxes are opened, all the lists of voters used must be placed in separate sealed covers properly marked; also the stubs of all the ballots used, together with all unused ballots, must be enclosed in a sealed package properly designating the voting place. The inspectors then proceed to open the ballot box and audibly count the votes, observing the precautions against unfairness which the law prescribes. The counting must not be postponed nor ad-

journed until fully completed. The ballots are kept within the unobstructed view of those persons within the voting room who are outside the guard-rail. It is unlawful for either judge or inspector, while counting the ballots or the votes thereon, to have in his hand any pen, pencil, or stamp for marking ballots.

The law gives certain regulations relating to the counting of ballots imperfectly marked; but since it is clear in its directions for marking ballots, voters should adhere strictly to the instructions given in order that their votes may be effective.

240. Election Returns.—The result of the voting must be publicly and fully announced as soon as the votes are counted. The election officers then make out and sign a full return in triplicate copies. A copy of the returns is delivered to the prothonotary before two o'clock of the next day, and he presents the returns to the judge or judges of the court of common pleas at noon of the second day after the election. The judges, after computing the returns received, make out their conclusions in duplicate. They give certificates of election, under the court seal, to the proper persons.

One of the triplicate copies is sent to the secretary of the Commonwealth, and this officer presents to the Governor the returns of the elections of all the township and county officers to whom commissions are to be issued.

Returns of the election of Governor are sent to the president of the senate for computation and publication; those of the election of State senators are transmitted to the senate; those of representatives are sent to the house of representatives. A board consisting of the Governor, the president judge of the twelfth judicial district, the president *pro tempore* of the senate, the speaker of the house of representa-

tives, four senators, and four representatives computes the the returns of the election of State-treasurer and auditor-general.

241. Ballot-Boxes.—As soon as the election is finished, the tickets, list of taxables, one of the lists of voters, one of the tally-papers, and a copy of the oath or affirmation taken by the officers holding the election, must be deposited in the ballot-box; and such box being closely bound round with tape, and sealed by the election officers under their signatures, shall be deposited in the custody of the person legally authorized to care for it. Unless required by court in settlement of contested elections, the box must not be opened until the morning of the next ensuing election. After the officers have been duly sworn, the ballot-box is opened, and the contents must be burned and totally destroyed.

242. A Plurality Sufficient.—A plurality of votes elects a candidate for any office; a majority is not necessary.

A majority is the number by which the votes of a successful candidate exceed those for all other candidates taken together. A person elected by a majority must receive more than half the votes cast.

A plurality in elections means the excess of the votes cast for one candidate over those cast for another, or for any other, candidate. When there are more than two candidates, the one who receives the plurality of votes may have less than a majority.

In the election of Governor in 1898 the vote stood:

William A. Stone, R	476,206
George A. Jenks, D	358,300
All other candidates	137,231
Total	971,737

In this election 485,869 votes would have constituted a majority. Stone, therefore, lacked 9663 votes of having a majority; but he had a plurality of 117,906 votes over Jenks, and was thereby elected although a "minority Governor."

243. New Naturalization Law.—The naturalization law enacted under Jefferson in 1802 was based upon enlightened principles, and has remained in force for more than a century. These principles, which should never be lost sight of, are that an alien of good moral character, arrived at man's estate, attached to the principles of the Constitution, may be admitted to citizenship if he has lived in the United States continuously for five years. If to these requirements were added a prohibition against the admission of any one to naturalization who does not intend to make the United States his permanent residence, the system would be complete. Surely we should welcome into our body politic any one to whom belong the attributes of good character, permanent residence, and loyalty.

But this law, however excellent in principles, was defective in that it did not provide means to prevent its abuse. Prejudices against foreigners on the one hand and the fear of too rigid limitation of immigration on the other have prevented the devising of means to check fraud in the operation of this system of naturalization.

The new naturalization law of 1906 provides that duplicate petitions be sent to the Bureau of Immigration and Naturalization, thus bringing naturalization for the first time under Federal control. The application is made, as heretofore, to the clerk of the court of common pleas, but public notice of the application must be posted for at least ninety days. The case is then heard by the judge in open court, and the United States attorney has the right to appear and examine the applicant and witnesses. Applica-

tions for citizenship must be signed by the applicant, who must be able to speak the English language. He must furnish very definite and specific information regarding himself, and the clerk of the court is liable to heavy penalties for receiving an application lacking in this respect. Two witnesses are required instead of one as under the act of 1802. No person can be naturalized within thirty days of any general election even if the ninety days have expired. An important feature of the law is that a person having been naturalized and later taking up a residence in a foreign country, will have his naturalization certificate canceled. The applicant must swear that he is neither an anarchist nor a polygamist, and that he intends to become a permanent resident of the United States. He must also declare on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces all allegiance to any foreign power. Among the points in the information furnished by the applicant are: his name in full, place of residence, occupation, date and place of birth, date of immigration and name of vessel, as well as equally specific facts concerning his family.

The protection afforded by the government of the United States to its citizens was shown in 1853 in the case of Martin Koszta, a Hungarian, who had simply declared, under oath and before a proper officer, his intention to become a citizen of this country. Being abroad, he was seized by the Austrian authorities, and our government was asked to interpose no obstacle to his extradition and to disavow the action of Captain Ingraham who had protected him. But the ringing words of Marcy, the Secretary of State, show what the United States government will do in such cases: "Whenever in the operation of the law of nations, an individual becomes clothed with our national character, be he a

native-born or a naturalized citizen, an exile driven from his early home by political oppression, or an emigrant enticed from it by the hopes of a better fortune for himself and his posterity, he can claim the protection of this government, and it may respond to that claim without being obliged to explain its conduct to any foreign power; for it is its duty to make its nationality respected by other nations and respectable in every quarter of the globe."

We should welcome to the privileges of American citizenship all persons who can appreciate the meaning which should attach to that right, and who are willing to learn our language, customs, and laws. It is the duty of the government not only to enact laws that will keep out of our country anarchists, criminals, and paupers, but to seek still higher standards of naturalization. The courts cannot be too careful in granting naturalization papers. The purity of elections has often been destroyed by the large number of illiterate and degraded foreigners admitted to citizenship without possessing the essential qualifications for the intelligent exercise of the franchise.

CHAPTER XVI

PARTIES AND NOMINATIONS

244. Parties.—Under all governments which grant any considerable degree of freedom, there will arise parties differing in their ideas of government policies. Thus, as soon as the Constitution of the United States was adopted and the government organized, or, indeed, long before these events, people began to have different ideas concerning their rights and duties under the plan of government; so political parties were organized.

This political machinery is the creation of voluntary effort and not of public law, yet such has been its influence that the people to-day govern themselves almost entirely through the agency of political parties. A party may be defined as a body of electors having distinctive aims and purposes, and united in opposition to other bodies of electors in the community or political division in which it exists.

In order to control public policies and affairs, a party must succeed in electing to the public offices persons chosen from its ranks; and, in a highly executive nation, like our own, it was soon discovered that in politics, as in war, organization and discipline are much more effective than mere numbers working without concerted action. Thus, to accomplish the election of its members to the various offices within the gift of the people, there has resulted, within each party, a system of party machinery, firm yet flexible, and working well in its general results, since by its aid the body of voters is bound together for the accomplishment of

their purposes. So it has come about that each great party has its National, State, district, and county conventions and committees, with rules of procedure for all of them. One essential feature of a party system is that it is strictly representative in its nature. Each voter has, to some extent, an opportunity to share in the selection of his candidates and to determine the platform of his party. By such means candidates are selected and political campaigns conducted. If good men concede primary political control to those who use it for selfish ends, such men are to blame for the selection of unworthy men for important public trusts.

245. Nominations. — A candidate is a person who seeks some office or privilege, or who offers himself for the same. In order to secure some chance of election, however, his name must be presented for position upon the official ballot. This selection of the candidate is called nomination. The right of a voter to select his own candidate for any office at the actual moment of voting is not denied, but such candidate could stand little chance of election. In this State, under the acts of 1881 and especially the Ballot Reform Act of 1893, the existence and operation of party machinery in the forms of primary elections and conventions of delegates is recognized. Practically the whole system of primary elections has been placed under the protection of the law.

246. Primary Elections. — In every election district the voters of each party have two important duties to perform. One is to nominate their own party candidates for the local offices: township, borough, ward, and county. The other duty is to select delegates to conventions held for the purpose of setting forth the principles of the party, to look after its interests, and to nominate candidates for larger voting areas.

The terms "primary election" and "caucus" have often been used synonymously, but the term caucus is now more often used to denote a private meeting of delegates or legislators, held prior to an election, for the purpose of settling upon plans of action.

247. Methods of Nomination. — Two methods of nominating candidates for county offices have been used in Pennsylvania. The one which is in most complete accord with the principle of government by the people is an extension of the primary election as conducted in the township or borough to the greater area of a county. The voters who attend the primaries vote directly for the candidates of their choice, and the ones receiving the highest number of votes in the entire county become the nominees of the party. This deservedly popular method is called the "Crawford County System" after the name of the county in which it originated. The Uniform Primaries Act of 1906, extends this method throughout the State.

The other method of nomination is by a convention,—or the "delegate system." At the primary elections, delegates to the county convention are selected. These formerly nominated the county officers, and also selected the delegates to the district and State conventions; but the act of 1906 takes away this function. At such conventions committees are created, and rules of procedure determined; often resolutions expressive of certain political sentiments are expressed.

248. Uniform Primaries.—The Uniform Primaries Act of 1906 requires that two primaries shall be held each year, in every election district in the Commonwealth in which nominations are to be made or delegates or party officers elected. One is called the Winter primary, and is held on the fourth Saturday before the February election

(Jan. 22-28); the other, known as the Spring primary, is held on the first Saturday in June (June 1-7),—except in Presidential years, in which it is held on the second Saturday of April (April 8-14).

Candidates for all offices to be filled at the the February election shall be nominated at the Winter primary. Delegates to State and National conventions and candidates for all offices to be filled at the general election in November,—except those nominated by National and State conventions,—shall be nominated at the Spring primary. Party officers, such as members of the county committee and any other officers that are provided for by the rules of the several parties, may be chosen at either or both primaries.

The law does not prevent the nomination of candidates by nomination papers as provided for by existing laws. Neither does it apply to the nomination of Presidential electors, nor to the nomination of candidates to be voted for at special elections to fill vacancies; but it does not prevent the nomination of Presidential electors at primaries, if the rules of the parties so provide.

Official primary ballots shall be prepared by the county commissioners for each party casting two per centum of the largest entire vote cast for any candidate at the last general election. These ballots are printed on white paper of uniform quality, and are of uniform size, style of printing, and general appearance. On the back of each ballot the name of the party is printed in prominent type.

The names of candidates are placed upon the ballot of a party, on the filing of petitions containing the signatures of certain specified numbers of qualified voters of that party within the election district. Primary elections are held by the regular election boards, and are conducted in conformity with the general election laws. Expenses are ultimately

paid by the State. Polls are open from two to eight o'clock post meridian.

Returns of the results of the primary elections are made to the county commissioners on or before noon of the Tuesday following the election. At noon of the succeeding day the commissioners must publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed. Severe penalties are attached to violations of any of the provisions of the Uniform Primaries Act.

Candidates for offices of the Commonwealth, to be voted for by electors of the State at large, are nominated by the State conventions, for which delegates are elected in accordance with the terms of this act. The delegates who receive a plurality of the votes of the party electors at the Spring primary shall be the delegates to the respective State and National conventions. The State conventions must be held not later than one week after the date of the primary, in accordance with the rules of the respective parties.

249. State Conventions.—The State convention, as has been said, nominates the party candidates for the various State offices to be filled. It also nominates the Presidential electors, and selects the delegates at large to the National convention. The State convention creates the State committee, consisting of one representative from each county, in reality selected by the delegation from the county. The State convention adopts a platform dealing with the main political questions of the day. It then adjourns *sine die*.

250. How Nominations are Made Official.— Certificates of nomination signed by the presiding officer and secretary of the State convention, and setting forth the nomination of candidates for Presidential electors, congress-

men-at-large, State officers, and district judge-ships must be filed with the secretary of the Commonwealth.

The county commissioners must make the proper certification of returns of votes cast for the candidates for nomination for members of Congress or for State offices to the secretary of the Commonwealth, who tabulates them and certifies to the county commissioners the result of the vote at least forty days prior to the election.

251. Nomination Papers.— In the interest of new parties and independent candidates, the election laws of the State provide for the nomination of candidates by *nomination papers*. These must have a certain number of signatures, be drawn up on certain blank forms furnished by the secretary of the Commonwealth, and filed in the proper offices as provided concerning certificates of nomination. Nomination papers for county, city, township, borough, and school district offices are filed with the county commissioners; those for other offices are filed with the secretary of the Commonwealth.

CHAPTER XVII

TAXATION

252. A Sovereign Power.—Among the sovereign powers of a government, the power to tax the people is, in a sense, the fundamental one upon which all the others depend. The government is a great business enterprise maintained and operated by the people in order that certain important duties of general interest and benefit may be performed. Money raised for these purposes, which relate to the welfare of all the people of a country, is supposed to be paid by all of the inhabitants, each one furnishing his share; and the share which each one pays is his *tax*. The magnitude of the operations requires the expenditure of large sums of money, and a government to be stable and efficient must possess adequate power for the levying and collecting of its taxes. The State constitution assumes that the right to tax is inherent in the government. In accordance with the theory which prevails in this country, the power to tax is legislative in its nature, and can be exercised only by representatives elected directly by the people. Although all the members of both houses of the General Asembly are so chosen, all bills for raising revenue must originate in the lower house (59).

253. Taxes Defined.—Society cannot exist without government, and this cannot be carried on without revenue. A tax is a regular pecuniary charge imposed by government upon the people for its own support. Taxes are really portions of private property which the govern-

ment takes for its public purposes. The tax payers should realize that they are simply paying for benefits received.

254. The Right to Tax Not Unlimited.—The right of the government to levy and collect taxes is not unlimited. The State constitution restricts the amount of debt which the State and its subordinate local bodies may incur (157). Our great and wealthy Commonwealth, with a population now of about six and one-half millions, fixes $1,000,000 as the limit of the debt which may be created to supply deficiencies in revenue (153).

When money is borrowed for State purposes, the act authorizing the creation of the debt must define the purpose for which the money is to be used, and the money must be used for that purpose, and for no other (154). The credit of the Commonwealth cannot be pledged to individuals or corporations, nor can the State become a joint owner in any company or association or corporation (155).

255. Direct and Indirect Taxes.—Direct taxes are those which are levied upon the persons, property, business, or income of those who are to pay them.

Indirect taxes are those which are levied upon commodities in the hands of manufacturers and dealers, and are paid in the end by the consumers as a part of the price of the articles. The most important indirect taxes are customs and excise duties. The indirect taxes do not, in general, give rise to as much complaint as the direct taxes, partly because the money which the citizen pays directly out of his own pocket is the only tax which he is quite sure that he pays at all.

The Constitution of the United States forbids the States to derive any revenue from duties upon goods imported or exported. In order to support its government the

Commonwealth of Pennsylvania is, therefore, for the most part restricted to a direct tax levied upon real estate and personal property.

256. Vesting the Taxing Power.—The orders of communities are State, county, city or borough, township, and school district. Each has its corresponding taxing authority, capable of fixing the tax levy within the limits prescribed by the State constitution. The power to levy taxes is vested in the General Assembly, the county commissioners, the city and borough councils, the township supervisors, the school directors, and the overseers of the poor.

257. Assessment.—This important step or process in taxing relates to the correct valuation and listing of the property, as the basis for fixing the amount which the individual taxpayer shall pay as his share of the tax. This work is performed by the assessors elected in the townships, boroughs, and city wards throughout the State. It is their duty to put a value upon all taxable property. Now the assessors will differ much in their estimates, and the returns will present many inequalities at the best. The persons who have the duty of revising these elements are an important factor in the taxing system. A series of boards of equalization compare and revise the valuations made by the various local officers. They are the State board of revenue commissioners, the county commissioners, and the city boards of revision or boards of assessors. The main work of equalization is done by the State board of revenue commissioners, consisting of the auditor-general, the State treasurer, and the secretary of the Commonwealth. It is the duty of the board to ascertain and determine the just value of the property listed in the cities and counties, and to equalize and adjust the assessments as far as possible, so

as to make the burden of taxation bear as equally as practicable upon all taxable property throughout the State. Similarly, for the equalization of taxes, Philadelphia has a board of revision consisting of three members, elected as county officers, for a term of three years. An elector can vote for only two of the members. Cities of the second class have a board of five members, appointed by the mayor; and cities of the third class a board of three members elected by the qualified voters of the city. These are assessors sitting as boards of revision. The board of revision and equalization in a county is composed of the commissioners themselves, and they must qualify for their duties in this capacity by taking a special oath.

258. Collecting Taxes.—According to the taxing jurisdiction the levies are called State, city, county, borough, or township taxes.

The collecting of these taxes is done by the tax-collectors of townships, the treasurers in boroughs, tax-collectors and tax-receivers in cities, and by county treasurers. Usually the township or borough collector of taxes receives from the individual citizen three distinct taxes: the State tax, the county tax, and the township or borough tax. Thus trouble and expense are saved in the process of collection, and the citizen sees on one tax paper all that he has to pay. The method of collecting the taxes is, however, not the same in all the counties of the State.

259. State Taxes.—The State taxes which are collected by county officers, and by them paid into the State treasury are: State tax on personal property; tax on direct and collateral inheritances; tax on writs, wills, deeds, etc.; commissions of notaries public; and licenses.

Besides the revenue from these sources, the State receives money from taxes on business corporations. The State can-

not be a party to any agreement whereby the power to tax corporations shall be suspended or surrendered (152). Such corporations are required to pay the taxes directly into the State treasury. The corporations are required to submit to the auditor-general sworn statements of the capital stock, number of shares, par value of shares, gross and net earnings, surplus, dividends declared, etc. The rates of levy upon these bases are prescribed by law. The State constitution is explicit regarding corporations, lest these powerful bodies should purchase from a pliant Legislature exemption from civic burdens (152).

260. County Taxes.—The taxes levied by the county commissioners for county purposes are laid upon real estate, upon certain kinds of personal property,—as business investments, domestic animals, furniture, etc.,—and upon occupations and polls. On the basis of returns made by the assessors, the county commissioners apportion the taxes to be raised for county use by the townships, wards, and districts. These taxes are collected by the regularly elected tax-collectors. All persons who pay within two months are entitled to a five per cent reduction, but all who do not pay within six months are charged five per cent additional.

261. Township Taxes.— The supervisors of a township can levy a tax, at a rate not exceeding one cent on a dollar, upon real and personal property, and upon certain occupations. The money is used in making and repairing bridges and roads, and for some other purposes. Upon the approval of two justices of the peace, the overseers of the poor may lay an assessment for a poor-tax not exceeding one cent on a dollar. These taxes are collected by the regularly elected tax-collector of the township, who gives a bond annually for the faithful performance of his duties. It is lawful for the supervisors and overseers of the poor,

under certain conditions, either by themselves or by a person duly authorized, to collect the taxes by them laid.

262. Borough Taxes.—The rate of taxation in a borough is fixed by the council, and the expenses are under its control. The regularly elected tax-collector furnishes each person, on the payment of taxes, with a numbered receipt containing the date, name, amount of tax, and district in which the taxpayer is assessed. The law requires that the tax-collector shall send to the county commissioners, at least twenty days before election, lists of the persons who have paid taxes.

263. City Taxes.— The annual levy in cities is made by the select and common councils. Estimates of the amount required are furnished by the controller to the councils at the first stated meeting in January of each year, as a basis for fixing the levy and tax rate for the next fiscal year. The taxing processes may differ some in cities of the different classes, but they now bear a close resemblance to each other, as well as to the methods employed in the counties and in the State itself. Some of the larger cities are, in population and wealth, equivalent to States in themselves. The forms of property upon which taxes are levied are varied, and the special purposes very numerous. The legislative powers of the city councils are not general like those of the General Assembly, but are limited by the charter of the city. In the case of the increase of debt beyond a certain amount, the State constitution requires the assent of the voters of the city at a public election (157).

The taxes levied in a city are much greater than those in rural districts, because of the great number of public institutions which the city is compelled to create for the welfare of its people. The care of the streets, the protection of the public health, the care of the poor, the equipment of a fire

department, the maintenance of adequate police force to protect life and property, and many other public interests all tend to increase the taxes.

In addition to these natural causes of increase of taxation, there are others of a different character. The weakest point in the political management of affairs in this country is the question of city finance and city government. In our great cities a large part of the voters pay no direct taxes, and thus have no great interest in moderate taxation and economical administration. In regard to the city officials themselves, the great fault is that responsibility is so divided that it cannot be forcibly brought home to any one. Further restriction of the power of the State Legislature to interfere by special legislation with municipal government and the conduct of municipal affairs would seem to be necessary. Taken all in all, the forces that destroy true democratic government are most active in cities, and the defensive forces are most ill-placed for resistance.

264. How the Taxes are Collected.—The collection of all taxes, except the so-called delinquent taxes, is in charge of the city treasurer. On and after the first day of November in each year, the city treasurer shall place duplicates of taxes in the hands of tax-collectors by him appointed. These officers are paid by councils, and exercise all the powers vested by law in the collectors of State and county taxes.

265. City Sinking Fund.—Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt (181).

266. School Taxes.—The question of school taxes and funds is discussed in the chapters on Education. The school district tax is levied by the board of directors, and collected by the township tax-collectors. There are three

kinds of tax for school purposes according to their subjects, each separate and distinct, but all may be due from one person. They are: the rate tax on real and personal property; a minimum occupation tax of one dollar on all resident males' taxables over twenty-one years of age; the districts may tax themselves for support of schools in general, up to 13 mills, and may raise a sum for establishing schoolhouses not greater than the sum raised for the support of schools in the same year.

267. Certain Property Exempt.—All taxes must be uniform upon the same class of subjects within the jurisdiction of the taxing authority; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not held for private or corporate profit, and institutions of a purely public charity. Thus, under the laws enacted, court houses, jails, churches, hospitals and other places of benevolence, and all institutions of learning are exempt from taxation; always provided that none of these be used for private profit (150).

268. Planting Trees: Road Tax.—The law provides that any person liable to road tax, who has transplanted by the side of any public highway at his own expense any fruit, shade, or forest trees, of suitable size, shall be allowed by the supervisor an abatement of his road tax, at the rate of one dollar for every two trees set.

269. Roads: State Highway Commissioner.—The roads of Pennsylvania are generally poorly made, but the State is not exceptional in this respect. Supervisors are rarely skilled roadmakers, and their short term of office does not tend to fix responsibility nor lead to well-directed effort in road construction. The people have been unwilling to pay the taxes necessary to the production of good roads.

Taxpayers, too, have the right to work out their road tax, and the highways have suffered from the efforts of inefficient laborers. However, public sentiment has been aroused in the interest of improvement. Recent legislation, especially that of May 1905, has authorized the State highway department to co-operate with the counties, townships, and with boroughs in certain instances, in the improvement of the public highways. Provision is made for application to the department for State aid in such work; and also for the payment of the cost of highway improvements made, under the provisions of the act, by the State, the counties, and the townships. The appropriation for the six years ending May 31, 1909, exceeds $6,000,000.

The executive officer of the department is the State highway commissioner, appointed by the Governor for a term of four years. He must be a competent civil engineer, experienced in the construction and maintenance of improved roads. Under the supervision of this officer, some of the principal roads of each county will be put into first-class condition. Three-fourths of the expense in the construction of such State highways is paid by the State, while the county and township share the remainder equally. All persons using automobiles must procure licenses from the commissioner, and such fees are appropriated to the use of the department.

In the natural operation of the growth of a community the opening of a new road may become necessary. The making of such road must be recommended by a road jury of three men appointed by the court. If the court approves the opening of the road, the jury fixes the damages to private property. These are paid by the county, but the township pays the the cost of making the road.

CHAPTER XVIII

CORPORATIONS

270. Origin.—The term corporation, as used in this country, is applied to an association of persons authorized by law to transact business under a common name and as a single person. The origin of these artificial bodies is generally ascribed to Roman law, but it is probable that the true original of corporations is to be found in the Middle Ages when cities, towns, and societies of tradesmen obtained charters from kings and feudal lords in return for money furnished their rulers. In these charters certain privileges and immunities were granted, sometimes for the protection of personal liberty, and sometimes of the nature of trade monopoly.

271. Classes.—Corporations are of two great classes: public and private. Public corporations are those which are formed as the instruments or conveniences of government, such as, cities, boroughs, etc. Public corporations are often known as municipal corporations. Private corporations are those formed for the benefit and profit of the corporators, and of only incidental interest to the public. Two great classes are recognized under the laws of our Commonwealth: (a) corporations not for profit, and (b) corporations for profit.

272. How Corporations are Created.—The consent of the government is always essential in some form to the creation of a corporation. Formerly, many were created by special charter from the Legislature; but by the State

constitution (52), the General Assembly is forbidden to pass any local or special law creating corporations or amending, renewing, or extending their charters. The corporation act of 1874 is the general law to which all corporations since then created owe their existence. The powers and privileges conferred have the same force and effect as if conferred and enjoined by special act of the Legislature. The courts of common pleas have the power to create: (a) corporations for the support of any literary, medical, or scientific undertaking, library association, or the promotion of music, painting, or other fine arts; and (b) the support of any benevolent, charitable, educational, or missionary undertaking. Corporations are also formed by the voluntary association of three or more persons under the general law, the filing of a certificate of organization with the secretary of the Commonwealth, and finally by the approval of the Governor. The charter of an intended corporation for profit must be subscribed by two or more persons, one of whom, at least, must be a citizen of the Commonwealth of Pennsylvania. Corporations of the first class cannot obtain corporate existence in the court of common pleas, and then obtain transfer to the second class with all the rights, privileges, and obligations of corporations for profit.

In the transaction of their business, corporations are subject to the same laws as persons. Their officers and agents are regarded, in law, as occupying the relation of servants to the corporations as masters liable for all damage or injury done to third persons by these agents in their business. It is in the nature of corporations to have a perpetual existence or succession, since the rights, duties, and privileges descend to the successive members of the corporation. Thus a body corporate lives after the persons who first composed it are all dead. A borough or city incorporated two hundred years

ago, is the same borough or city, although none of its first inhabitants are living. So a railroad or banking corporation may exist long after the death of all the original corporators. This capacity of perpetual succession is the characteristic feature of a corporation as compared with other societies. Corporate business is done under a corporate seal; and a common definition in law-books describes a corporation as a society with perpetual succession and a common seal.

The General Assembly possesses the general right of supervision of the business matters of corporations. Under recent amendments to the general laws for the chartering of corporations, no charter can be granted to a corporation for the conduct of more than one kind of general business, and that must be clearly set forth in the charter.

273. The Term as Used in the State Constitution.—The term corporation, as used in the State constitution, includes all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships (194).

274. Powers of the Legislature.—The General Assembly cannot pass any general or special law for the benefit of any corporation unless that corporation shall thereafter hold its charter subject to the provisions of the State constitution (183). At the time of the adoption of the present constitution, all charters not represented by *bona fide* organizations and business became void (182). The Legislature can revoke or annul any charter, revocable in 1874 or since created, whenever, in their opinion, such charter may be injurious to the citizens of the Commonwealth (191). The powers of corporations must not be increased, except under certain conditions (183); and no law can be enacted which shall create, renew, or extend the charter of more than one corporation (191).

275. The State's Right of Eminent Domain.—The State exercises the right of eminent domain over the property and franchises of incorporated companies, the same as over the property of individuals (184). The police power of the State over all corporations is supreme.

276. Compensation to Individuals.—Municipal and other corporations which have the privilege of taking private property for public use must make just compensation for property taken, injured, or destroyed. All cases of appeal shall be determined by jury, according to the course of the common law (189).

277. Cumulative Voting.—Each member or shareholder in a corporation may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer (185).

278. Foreign Corporations.—No corporation (186) not incorporated under the laws of this State shall do any business in the State without having one or more known places of business and authorized agents in the same upon whom process may be served. It is not lawful for any foreign corporation to receive deposits or transact any banking business whatsoever, in this Commonwealth, until it has filed at the office of the commissioner of banking a certified copy of the statement, locating an office and naming an agent, as required by law to be filed in the office of the secretary of the Commonwealth.

279. Scope of Business.—No corporation can engage in any business other than that authorized in its charter, nor can it take or hold any real estate except such as is necessary and proper for its legitimate business (187).

280. State Banking Laws.—Every banking law (190) shall provide for the registry and countersigning by an officer of the State of all notes and bills designed for cir-

culation, and security for the full amount shall be deposited with the auditor-general for the redemption of such issues. There are at present no State banks of issue. Charters for banks and savings institutions are issued by the secretary of the Commonwealth. No corporate body possessing banking privileges can be created without three months' previous notice as prescribed by law, nor shall such charter be granted for more than twenty years (192).

281. Corporate Stocks and Bonds.—Corporations cannot lawfully issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void (188).

282. Telegraph Lines: Consolidation.—Corporations organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within the State, under the general laws enacted by the Legislature. The consolidation of competing lines is prohibited (193).

283. The Governor Approves: Bonus.—The Governor's approval is necessary to the granting of any charter of a corporation for profit organized under the general laws; and he issues letters patent to all corporations for profit created under the general laws of the State. A bonus of one-third of one per cent of the capital stock must be paid in full into the State treasury by all corporations, except building and loan associations, before papers can be filed or recorded in the office of the secretary of the Commonwealth, or letters patent can be issued by the Governor.

CHAPTER XIX

RAILROADS AND CANALS

284. Importance of Railroads.—The railroads of the State are the most important factor of all concerned in the commerce of the Commonwealth. Indeed, it is impossible to understand the domestic commerce of the State without a thorough knowledge of its transportation system. Without railroads, stagnation of business would result on all sides, and disturbed conditions would prevail throughout the State. The railroads are very important to those persons who depend upon their daily toil for their subsistence. The number of employes alone is over four hundred thirty thousand, and there are at least two million persons who are sustained through the employment given by the railroads of Pennsylvania.

285. Public Highways: Common Carriers.—Although they are of great public utility, railroads are not properly public works, since in this country they are constructed and controlled by companies incorporated for the purpose. In one sense, railroads are public highways (195) and post-roads. All railroad companies are *common carriers*, that is, they carry goods or passengers for hire. As such they are bound to carry in all cases when they have accommodation, if the fixed price is tendered; and they are also liable for all losses and injuries, except in cases of the act of God, as lightning, storm, etc., and public enemies, as in time of war. Railroads are not expected to carry dangerous freight. They are not obliged to carry freight unless

the charges are prepaid; and if agreement is made to take payment at the end of the route, the goods may be held until the freight is paid. The right to have persons and property transported shall be equal to all (201), and no undue discrimination shall be made in charges and facilities inside the State (197).

286. State has Right to Regulate.—Certain decisions of the Supreme Court of the United States have established the right of each State to restrict and regulate the business operations of railroad corporations within the limits of that particular State. It is also true that the State has the right to regulate the rates at which passengers and freight shall be carried by railroads; because such roads are public highways (195), controlled by corporations created by law, and therefore subject to the law-making power whenever it may choose to intervene (206).

287. Extreme Limitation Not Probable—Railroad corporations are useful in so many ways that any general decrease in the facilities for forming them is improbable; but special restrictions and taxes will increase. The usefulness of a railroad depends upon its public service:—its ability to conserve the convenience, safety, and economy of its passengers and shippers, as well as the prosperity of its employes and shareholders. The power of taking public property and franchises, now misused to a great extent, will be restricted and controlled. Through great railroad corporations, it is at present possible for one man to exercise power of a wholly irresponsible nature. A great corporation, skilfully managed, becomes dangerous to the rights of individual men. The old principle of the monarchy, banished from the field of government in our republic, asserts its strength in the important contests of industry and finance. There is nothing unreasonable in the desire of the people to

regulate these immense corporations and trusts, and to restrict the range of their action.

288. Inter-State Commerce Commission.—The Constitution of the United States gives Congress the right to regulate commerce between the States; and this covers the right to regulate and control the railroads in all matters pertaining to inter-state commerce, even to fixing rates at which passengers and freights shall be carried. The Inter-State Commerce Commission has succeeded in regulating railroad transportation and charges in many material respects. Congress has no authority to deal with a railroad lying wholly within the limits of one State; but all lines which cross more than one State, and those which by connecting are worked together as one line, come directly under its legislation. The railroads themselves are benefited by the establishment of the Commission, for all discrimination, secret rebates, and special privileges are forbidden.

289. Powers of Common Carriers Limited.—No incorporated company doing business as a common carrier can engage in mining or manufacturing articles for transportation over its lines (199). But any mining or manufacturing company may carry its products on its railroad or canal not exceeding fifty miles in length. Nor can the president, other officers, nor the employes of any transportation company be interested in the furnishing of materials and supplies to the company (200).

290. No Consolidation of Competing Lines.—The consolidation of parallel or competing lines is forbidden, and the officers of one company are restricted from serving as such in the other. Juries decide whether companies are really managing competing lines (198).

291. Granting of Passes Limited.—The granting of free passes, or passes at a discount, to any persons except

officers and employes of the company is forbidden. The strict enforcement of this regulation would put an end to an abuse which has assumed immense proportions (202).

292. A Great Railroad State.— Pennsylvania is, without doubt, the greatest railroad State, having 11,846 miles of railroad within its limits and a total mileage of 29,448 operated by its railroad corporations. The Pennsylvania Railroad is beyond doubt the greatest railroad system in the world. Its headquarters are in Philadelphia, and its lines reach almost all parts of the State and far beyond to the eastward and westward, with an enormous freight and passenger traffic. Within the State alone it controls 3246 miles of railroad. It is a prodigy of labor, wealth, and skill. Next in importance and extent is the Reading Railroad, which controls 2512 miles of railroad in the eastern part of the State. This road owns extensive anthracite coal lands, and mines and ships great quantities of coal. The Lehigh Valley, the Delaware and Hudson, the Central Railroad of New Jersey, and the Delaware, Lackawanna, and Western of New York are also important railroads having great coal interests. The Baltimore and Ohio Railroad comes up to Philadelphia in the east, and passes through Pittsburg on its way westward. The Bessemer Railroad is an important line, engaged largely in the transportation of iron ores. Other railroads having large interests within the State are: the Erie, the Lake Shore and Michigan Southern, the Pittsburg, Cincinnati, Chicago, and St. Louis, the Western New York and Pennsylvania, and the Pittsburg, Fort Wayne, and Chicago. The total capital represented by the 325 corporations of steam railroads reaches the enormous amount of $4,092,885,000. This is one-fourth of the capital of all the steam railroads of the United States. Texas and Illinois are the only States that have a railway mileage nearly equal

to that of Pennsylvania: but the capitalization per mile of track is much higher in Pennsylvania than in other parts of the country. Many important facts in regard to the railroads of the State may be obtained by consulting their reports, made to the secretary of internal affairs, and published by the State (205).

293. Street Railways.— Street railways are generally confined to boroughs and cities, and, until quite recently, the cars were moved by horse power. Electricity has banished the horse from the street railways, it being apparent that for the moving of street cars this invisible power is far superior to any other. The change from horse power to electric power has been rapid, and with this transition the limits and powers of the corporations have been extended. Yet it is evident that the General Assembly has not meant to enable them to perform the functions of steam railroads. Great efforts are now being made to put these roads to uses for which they were never intended. If street railways are to have the rights of common carriers, they should be compelled to abandon the public highways, and to seek rights of way in the manner prescribed for steam railroad corporations. No street railway can be constructed within the limits of any township, borough, or city without the consent of the local authorities (203). Electric railways have already outgrown the laws which authorize their existence, and which are designed to control their operations. As the street railways now use the highways, the tendency is to divert travel from these thoroughfares and to render them dangerous to be used for their proper purposes. No electric line outside of municipal control should be allowed to cross a steam railroad at grade. In Pennsylvania, street railways are by law allowed to carry only passengers and mail.

294. Two Interesting Facts.— It is an important and interesting fact that the first railroad in America was built in Pennsylvania in 1809; antedating by seventeen years the horse railway at Quincy, Mass., incorrectly stated to have been the first railroad in the United States. In Delaware county, near the city of Chester, Thomas Lieper built, in that year, a horse railway connecting his quarry with a boat-landing on Ridley creek, one mile distant.

In the National Museum at Washington, there is still preserved the famous "Stourbridge Lion," a locomotive imported from England for the Delaware and Hudson Canal Company, by Horatio Allen, and run by him on its first trip. This was the first run made by any locomotive on the Western Continent, and was made at Honesdale, Pennsylvania, in 1829.

295. Canals.— The Commonwealth of Pennsylvania formerly had nearly 1000 miles of canals, in large part constructed by the State, and lying mainly along the Delaware and Susquehanna rivers and their tributaries. Competition, due to the rapid growth of the railroad systems of the State, has made most of the canals unprofitable; those built by the State have been sold to the railroads, and are now, for the most part abandoned. The Delaware and Hudson canal, from Honesdale to the Delaware river, and the Lehigh River canal of the Lehigh Coal and Navigation Company, still transport great quantities of coal. Parts of the Susquehanna canal and the Schuylkill canal are still used to some extent.

CHAPTER XX

EDUCATION: HISTORIC SKETCH

296. Early Ideals.—The origin of the public schools in Pennsylvania may be traced to the Frame of Government prepared by William Penn in 1682. Penn was a well-educated man, and a firm believer in popular education. In the twelfth section of his Frame of Government, he provides that the Governor and the Provincial Council shall erect and order all public schools, and encourage and reward the authors of useful sciences and laudable inventions in the province. He urges education as the means for preserving good government. "That which makes a good constitution must keep it, namely, men of wisdom and virtue, qualities that, because they do not descend with worldly inheritances, must be carefully propagated by a virtuous education of youth."

The first General Assembly at Upland legislated upon education. Instruction was to be given in the laws, and practical civics was to be taught in the schools. Legislation in the next General Assembly made education compulsory, and the county courts were directed to see to the enforcement of the law. This was one of the strongest and most comprehensive compulsory education laws ever passed, and is unique in early American history. It is plain that William Penn wished to secure to Pennsylvania a complete system of public education; but the conditions were not favorable, and the Frame of Government of 1701 is entirely silent upon the subject of education. Yet, without doubt,

Penn intended in the beginning to make education universal.

297. The Oldest School.— But the oldest school in the Commonwealth dates back to those early times. The William Penn Charter School of Philadelphia was established in 1689, and chartered in 1697. It has been continuously in operation down to the present time, and ranks with the Parochial School of the Dutch Church, New York, and the Latin School in Boston as one of the oldest schools in the country. It is an endowed school of a high order designed to give instruction in the classical languages, but free only to those whom the charter designated. In those early days the term "free school" was used as an equivalent for public school, but schools absolutely free were unknown. This "free school" of the Friends was a private institution managed by the leading Quaker citizens, and open to children of all denominations. It was not a public school such as we know to-day, but in one respect was a hundred years in advance of other schools, in that it admitted both sexes on equal terms.

298. The Germ of a Great School.— As early as 1726 a school for classical and theological studies was established by the Rev. Wm. Tennent at Neshaminy in this State. It was known as the "Log College." This school in the wilderness was the center of deep and abiding interest in education as well as in religion. It was a log house about twenty feet square, a habitation poor and mean. "But it is not the house and furniture that make a school — these are dead; the teacher is the school alive, the inspiring force that makes scholars and men." Gathered about him in the old log schoolhouse were the choice young men of his time. Eternity alone will tell how much this college of the talented Irishman did for higher education in this country. Out of this "Log College" grew directly that great Presbyterian

institution of learning, Princeton University. Washington and Jefferson college, as well as Dickinson, had the same origin. The passionate devotion of such men has done immeasurable things for America. The spirit of their ancestors, the old Scotch Covenanters, finds its highest exemplification in that picture, which we may see in the mind's eye, of that great Pennsylvanian, Thaddeus Stevens, as he stood in the glory of his early manhood, with raven hair and finely chiseled face, braving popular disapproval and a hostile Legislature, when he won that greatest triumph of his eventful career, and by sheer force of eloquence saved the free school system of the Keystone State, that the blessing of education might be carried to the poorest child of the poorest inhabitant of the meanest hut on the mountains.

299. The First Incorporated Academy.—Through the efforts of Benjamin Franklin, a school was established in Philadelphia in 1749, and incorporated as an *Academy* in 1753. This was the first institution in America to be formally given that title. For its establishment and maintenance a fund was raised by subscription, and this was supplemented by a grant from the treasury of the city and by tuition fees. The academy was under the control of a self-perpetuating board of trustees, and there were three courses of study: Latin, English, and Mathematics. Much attention was given to the teaching of the English language and literature, and to the mathematical sciences. At once the school became a high-grade seminary, at the same time fitting young men for college. Soon it had over four hundred students; was chartered with college privileges; had an extended course of study, including a law department, and a medical department the oldest in America. It drew students from half the colonies, and at the close of the Revolution was merged in the University of Pennsylvania. The

medical department from which that of the University took its rise was started in 1765. Boston had no medical school until 1783, and no general hospital until 1811.

300. A Good Record.—With such a proud record of early scholastic life within her domain as is shown in these great living schools, the sons of the Commonwealth of Pennsylvania have no reason to feel ashamed of her early efforts toward the education of her children. Amid the pressing duties of the vigorous physical growth of the colony in the early days of settlement, the high ideals of what education should do for the young were difficult of attainment. During the colonial period many religious denominations established schools in various parts of the State. The history of these church schools and private schools is full of interest, and shows forth the tendency of the people to assume the local control of the schools. The idea of local self-government has always been strong in the Commonwealth. As the number of the church schools and private schools was far too small to supply the needs of the children, there arose a species of school which was the direct fore-runner of the public school, although poor and lacking in many essentials.

301. The Neighborhood Schools.— In forming such schools, the people in a community united in providing such means as were possible for the education of their children. These "pay" or "subscription" schools were generally established in sections settled by people of many different religious denominations, being less numerous in the older parts of the State. Very few church schools were ever established in the western part of the State. Common privations, common dangers, common interests, and common toils gave rise to common schools. Our forefathers built schoolhouses, employed teachers, and sent their chil-

dren to school as best they could; and the wonder is not that the schools were so poor, but that there were so many. When the act of 1834 made common schools possible, there were four thousand schoolhouses in the State that had been built by co-operative, localized effort. The period of the Revolution was one in which little was attempted in the matter of educational growth, and the first fifty years of independence were years of re-adjustment. But however the leaders may have differed in their views of the powers and processes of government, they were a unit as to the principle that intelligence is necessary to citizenship. There was scarcely a neighborhood that did not have its schoolhouse in those early days. Neither in Pennsylvania nor elsewhere, whatever some writers may assert to the contrary, could intelligence spring suddenly out of ignorance, nor good and sufficient schools be provided at once for the entire people. These neighborhood schools, crude and poor as they were, had the merit of being thoroughly republican in principle. When legislation came to perfect the form and systematize the working of a plan which had been adopted voluntarily by thousands of communities in the State, a grand home-grown system of public schools was the result. And this local control of school affairs has ever been the fundamental principle of the system of public education in Pennsylvania.

302. Educating the Poor as a Class.— Soon after the close of the Revolutionary war the fact began to be recognized by many that education is fundamental to the civilization of a republic. In the words of Washington: "In proportion as the structure of a government gives force to public opinion, it is essential that public opinion be enlightened." Yet the means taken to secure results were very imperfect. The constitution of 1790 contained the follow-

ing provision: "The Legislature shall as soon as conveniently may be, provide by law for the establishment of schools throughout the State, in such a manner that the poor may be taught gratis."

This was incorporated into the constitution of 1838, and remained the only constitutional provision on the subject of education until 1874. For many years after 1790, all efforts toward general education were directed to providing instruction free to those who were too poor to pay for it themselves. The Legislature did not attempt to establish schools, but only to make provision for the education of poor children in the church and neighborhood schools already existing. Such a system could not but fail in a State where the principle of equality has always held firm; yet out of these schools came at last the great idea that education must be free and universal.

Some of the acts passed by the Legislature — especially that of 1809 — compelled the parents to make a public record of their poverty, and thus to send their children to school with this mark upon them. This plan of making the rich pay tuition fees, and the poor declare themselves paupers was odious to all; yet it differed little from the rate-bill policy which prevailed in the so-called free school States of New England. As definite a mark of class-distinction was set upon the poor in those States as in Pennsylvania. It has been justly said that a State with rate-bills may have a system of public schools, but it cannot be said to have a system of free schools. In adopting a system of absolutely free schools, Pennsylvania was one of the foremost States in the Union.

303. The Free School Act of 1834.— The passage of the common school act of 1834 is historically the most important event connected with education in the State —

the first great victory for free schools in Pennsylvania. The act was entitled "An act to establish a general system of education by common schools." The vote in the Legislature was nearly unanimous; but the victory was too easily gained to be secure without further struggle, and the real contest took place in the next Legislature. There, in the fight against the repeal of the bill, the victory was at last gained under the masterly leadership of Thaddeus Stevens.

The law of 1834 was well received in the northern and western counties, but met with violent opposition in the central and southeastern counties. Many reasons for opposition were urged. Some people held that the education of the masses was dangerous, in that it encouraged idleness, vice, and crime; others were opposed because of lack of sympathy with free schools and of reluctance to be taxed for the support of education. Churches had established schools, and many of the members could see no reason why these should be abandoned and new schools provided through taxation. The large German element in the population of some sections feared that the German language would be displaced, since all teaching in the new schools was to be in English.

Undismayed by the storm of opposition, the friends of the public schools rallied to their support. Not only was the attempt at repeal defeated, but some very valuable amendments to the act were secured. One great feature of this fight for the public schools was the great speech made in the house of representatives by Thaddeus Stevens. The one thing which he ardently desired above all others, was to see Pennsylvania standing up in her intellectual strength, as she confessedly does in her physical resources, high above her rivals. Near the close of his life the great statesman, who had done so much for the very life of the nation,

said that he had done nothing upon which he looked back with such pride as upon his defense of the free school system of the Commonwealth of Pennsylvania.

Three Governors of the State must be mentioned as rendering particularly valuable services toward the adoption of the public school system,—Governors Shulze, Wolf, and Ritner. Governor George Wolf, a teacher, had the honor of signing the free school act of 1834.

304. A Period of Organization.— By the act of 1834 the schools were made accessible alike to the rich and the poor, and a great step was taken toward securing to every child the opportunity of acquiring a good English education. But the work was but just begun; and, in the Legislature of 1836, earnest efforts were made to correct the school law and to mould it into working shape. The real foundation of our present system of common schools is the law of 1836, many of its provisions remaining in full force to-day. Thomas H. Burrowes, at that time secretary of the Commonwealth and superintendent of common schools, did more than any other man to put into successful operation our common school system. The teachers and the people reap to-day the fruits of his wisdom and labors.

305. An Educational Revival.— After this period of organization came the important educational revival movements of 1854 and 1857, when laws were enacted that have done much to give life and strength to the system of schools. The provision establishing the office of county superintendent was the great feature of the law of 1854. This has been of untold benefit to popular education, and has vitalized and made effective the work of the whole system. It has placed the State system of schools far in advance of those systems which have either never had the office of county superintendent, or never have specified any

literary or professional qualifications for those holding the office.

306. The Establishment of Normal Schools.—As a result of the work of the county superintendency came the demand for State normal schools. Normal institutes were established in various counties. In the little town of Millersville, Lancaster county, was established, under the guidance of county superintendent James P. Wickersham, an institution which by its success largely decided public opinion in favor of normal schools for the training of teachers. It had great influence in shaping the normal school policy of the State, and became the first of our State normal schools, and the mother of all of them.

307. Names Worthy of Remembrance. — The names of Governors and State superintendents and deputy superintendents are to be remembered in connection with these revivals in educational interest. Many chapters in the history of education might be written concerning each. Thomas H. Burrowes drafted the normal school law, and rendered other distinguished services as an educator. Henry L. Dieffenbach prepared the final draft of the revised school law of 1854; and Governor William Bigler was constantly consulted during the revision, and used his personal influence in securing its passage. Henry C. Hickok, by his vigilance and zeal and by the support of Governor James Pollock, was enabled to protect the act of 1854 and the county superintendency. He helped to secure the passage of the act under which the normal schools were established. Andrew G. Curtin, who as Governor of the State during the civil war made a great record in support of the Nation, as State superintendent of common schools in 1856 did much to steady the work of school reform by his conservative policy. State superintendents James P. Wicker-

sham and Elnathan E. Higbee, in the era of growth which followed the close of the civil war, rendered distinguished services to the perfecting of a system of schools in which every child may consider himself as started on a way which may lead him to the highest places. The labors of State superintendents D. J. Waller, Jr. and Nathan C. Schaeffer, and their able deputies Henry Houck, John Q. Stewart, and A. D. Glenn, are too well known to need commendation to the teachers of the State which has been honored by their supervision. These educators have exercised great influence upon legislation, and under their efficient direction many improvements have been made in the school system of the Commonwealth of Pennsylvania.

CHAPTER XXI

EDUCATION: THE SCHOOLS TO-DAY

308. The District the Unit.— Under the provisions of the general laws concerning education, the State has what is known as the district system of public schools. These school districts conform substantially with the political divisions of the State. Each township, borough, or city is a distinct corporation for school purposes. The law makes provision for the organization of special and independent districts under certain circumstances; but it is not the intention to cut up townships into single districts for each school, nor to separate the wealthier portion of a township from the poorer portion to the prejudice of the rights and interests of the latter. A school district contains on an average about ten schools, all under the control of the same school officers. There are, in round numbers, twenty-six hundred [2561] school districts in the State.

309. The School Directors.— The school affairs of each district are administered by a board of school directors or controllers. These officials are chosen by the voters at the regular local election on the third Tuesday in February. They hold office for a term of three years, and serve without pay. Directors take office on the first Monday in June, and are required to organize within ten days after. The officers of a school board are a president, secretary, and treasurer. In cities, the first two of these must be members of the board; but in the township and borough districts the secretary may be a member of the board, or otherwise.

The school board consists of six members in the townships and small boroughs, and generally of a larger number in the large boroughs and cities. There are over sixteen thousand six hundred school directors or controllers in the State. Directors have the power to purchase grounds, to erect schoolhouses, to levy and collect taxes for the regular support of the schools and for building purposes, to regulate the course of study except as to studies prescribed by law, to expel all incorrigible children, to purchase text-books, to employ teachers, and to determine salaries. A school board is a body corporate, and can make contracts, acquire, hold, and dispose of property. It exercises general supervision over the schools of its entire district. Directors must hold at least one regular meeting every three months, and must have every school visited by at least one of their number once every month. They are required to make an annual report to the county superintendent. A township board acts as a board of health, and may appoint a sanitary agent under the approval of the court.

The school directors meet in convention at the county seat every three years and elect a county superintendent for the three succeeding years. His salary shall be ten dollars for each of the first one hundred schools within his jurisdiction, five dollars for each school above one hundred and not over two hundred, and two dollars for each school over two hundred; but in no case to be less than $1000 nor more than $2000. School directors may, however, increase the salary out of the school fund of the county. In counties having over two hundred ninety schools, or 1200 square miles of territory, or a school term exceeding seven and one-half months, the salary cannot be less than $1500. The county superintendent cannot teach in the public schools unless he does so without compensation.

310. Number of Schools.— There are in the State over thirty-one thousand [31319] schools with about one and one-quarter million children in attendance, and over thirty-two thousand teachers. The law makes the provision of a sufficient number of schools compulsory, and they must be kept in session at least seven months in the year, but not more than ten months. It is the manifest intention of the law to give to every individual in the State, above the age of six and under twenty-one years, an opportunity of attending school at least seven months in each year. If the directors refuse or neglect to afford such an opportunity, they may be removed from office.

311. State Expenditures.— The money expended in the support of the public schools is derived from two sources: direct local taxation in the school disticts, and the State appropriation (164). The latter amounts to five and one-half million dollars annually. The amount raised by local taxation is very large; so that the total annual expenditures for public school purposes are about twenty-nine million dollars. The State has no invested school funds, but the total value of public school property exceeds seventy million dollars.

Under the law for the distribution of the school fund, one third of the money is distributed on the basis of the number of taxables; another third is distributed on the basis of the number of paid teachers regularly employed; and the remainder on the basis of the number of children of school age between six and sixteen years. This law works to the advantage and efficiency of the country schools.

The public schools educate the great mass of the children of the State, and are constantly growing more efficient and popular.

312. Free Text-book System.— In order to bring the advantages of free schools fully home to all, the State has an excellent plan for furnishing free school books. School directors are authorized and required to purchase, at the expense of their respective school districts, all the necessary school books and supplies for the use of children in attendance upon the schools. Books and school supplies are furnished free of cost to all children in attendance. Each district determines for itself all questions which may arise as to the adoption, purchase, and introduction of school books, without any interference by county or State authorities. The progress of education is not allowed to be retarded by State or county uniformity in the matter of text-books. Efforts have at times been made to enact laws providing for uniformity in the school districts throughout the Commonwealth. The intention was that the State should undertake to prepare and publish all text-books used in the schools. It has been thought best, however, to leave the selection of school books, as well as the building of schoolhouses and the employment of teachers, in the hands of the immediate neighbors and representatives of the people they serve. Local control is a basic principle in the public school system of Pennsylvania.

313. Certain Studies Required.— Certain studies are required to be taught in the public schools; these branches are orthography, reading, writing, English grammar, geography, arithmetic, and physiology and hygiene. The directors may require other studies; and the law concerning the required qualifications of teachers in the Commonwealth, names the other studies by implication. Besides a knowledge of the theory of teaching, the teacher must have a fair knowledge of the branches named above; and, also, of the history of the United States, civil

government, mental arithmetic, and elementary algebra. The law allows boards of directors to establish free kindergartens for children between the ages of three and six years. They may also establish free public libraries.

314. Compulsory Education. — The State has a compulsory education law which applies to children between the ages of eight and sixteen. There are exceptions to this rule; it does not apply, for example, to any child, between the ages of thirteen and sixteen, who can read and write the English language intelligently, and is regularly engaged in some useful employment. It requires continuous attendance during the entire time in which the public school is in session, unless excused from attendance for good and sufficient reasons by the board of directors. The school board has the power to reduce the period of compulsory attendance to not less than seventy per centum of the school term in the district. Whenever this is done, the board must fix the time when compulsory attendance begins.

Boards of directors in cities shall, and in all other districts may, appoint a truant officer, with police power, to be paid out of the school fund, to enforce the compulsory attendance law. Directors have also the power to establish special schools for habitual truants or those who are insubordinate or disorderly while in attendance upon the public schools.

The good effects of this law are apparent, as is shown in the increased attendance, especially in the cities and more populous parts of the Commonwealth. One of the strongest points in favor of the compulsory education law is its moral effect. The people are already beginning to realize the folly of neglecting the education of children, and can see the wisdom in the words of Chancellor Kent: "The parent who sends his son into the world uneducated, de-

frauds the community of a useful citizen, and bequeaths to it a nuisance." Illiteracy and ignorance will not be banished from our Commonwealth until public opinion rules that neither the cupidity and carelessness of the parents, nor the waywardness of the children themselves, shall be allowed to abridge youth's right to acquire knowledge and receive moral training.

The people of the Commonwealth demand that the public schools shall do more than educate in the sciences and the arts. With the increasing tide of immigration, and the advances in the standards of living, comes the need that our schools shall develop in the pupils the American type of character. Among the essentials of that character we find the belief in law,—the respect for the will of the people which alone can make good citizens; a belief in a government founded upon representation; and a belief in liberty, democracy, and equality — not equality in wealth or brains, but equality in opportunity to work and to develop the better self. It is the glory of our great nation to-day that we are the exemplars of such principles among the civilized nations of the world.

315. High Schools.— A system of public instruction cannot be considered complete or satisfactory if it does not provide secondary schools for those who wish to pursue learning beyond the mere elementary branches. The high school meets this want, and is a direct outgrowth of the grading of schools in boroughs and cities. Wherever these schools have been established for giving the advantages of secondary instruction, the number of persons availing themselves of the advantages afforded is much larger than many persons have supposed. These schools not only place this advanced instruction within reach of the great majority of young people; but they enable those who desire to attend

colleges and universities to so prepare themselves that they may enter upon those higher courses of study necessary to perfect and develop the powers with which man is endowed.

The State makes generous provision for the support of high schools. In districts wherein the population is 5000 or more, the boards of directors may establish high schools, free to all children under the age of twenty-one years, who reside in the district and who are found competent to enter upon the course of study provided. The law establishes three grades of high schools. A high school offering a course of instruction covering four years beyond what is prescribed in the elementary schools is accredited as of the first grade. High schools of the second grade and third grade offer three years and two years respectively in advance of the common schools. The college of fifty years ago did not provide any course superior to that which the high school of the first grade now offers, free of charge, to all who will avail themselves of the benefits which it affords. Recent laws leading to the centralization of rural schools and the free transportation of pupils may do much to improve the condition of country schools.

Directors of a township, or of two or more townships jointly, may establish high schools, which, maintaining the course prescribed by the State superintendent, shall be entitled to appropriations from the State according to the grade of the schools maintained.

A high school of the first grade receives, as aid each year, a sum not exceeding eight hundred dollars; of the second grade, six hundred dollars; and of the third grade, four hundred dollars. The directors of every district receiving aid as above must employ at least one teacher legally certified to teach book-keeping, civics, general history, algebra, geometry, trigonometry and plane surveying, rhetoric,

English literature, Latin — Cæsar, Virgil, and Cicero —, physics, chemistry, botany, geology, and zoology.

316. Training of Teachers: Normal Schools.— The Commonwealth has a system of thirteen State normal schools established by joint State and private contributions, and controlled by boards composed of State and local trustees. Each school has extensive buildings, a large corps of instructors, and an annual attendance of several hundred students. The aggregate attendance is over six thousand, and most of these students are preparing to teach in the public schools of the State. Over one thousand teachers are graduated each year, and as many more go out to teach as undergraduates. The growth of these schools in recent years has necessitated the erection of many additional buildings. The course of study extends over three years, and fits the graduate for position as teacher in the high schools and common schools. The tuition is practically free to all students who are preparing to teach in the public schools. The State superintendent of public instruction performs important duties in regard to the examination of the graduates, and is assisted therein by his deputies and by county, city, borough, and township superintendents whom he designates for the purpose. The normal schools are thus an integral part of the system of public schools — not an excrescence — a part upon which the true elevation of the common schools vitally depends. For the degree of general and professional culture of the teachers determines the degree of culture of the vast majority of the young men and women of the State. Thus the education of the teacher becomes a State question of great importance, because it affects the welfare of the whole people. Normal schools should prepare teachers for the common schools and for the high schools. Life alone cannot furnish the discipline of

school, and the results which the students obtain from school discipline and instruction will always be in exact proportion to the value of the teacher. Wherever a school fails in power and influence, it does so because of its teachers; wherever a school advances in influence and in educational power, it is by means of better teachers. There is no other way.

317. Teachers' Certificates: Minimum Salary.— A teacher serving as such in the public schools must hold some regular form of certificate if compensation for services is expected. A teacher's certificate should be an evidence of full qualification and permanent standing in a learned profession. But the needs of some of the rural districts render necessary the granting of some certificates of quite low grade. The certificate lowest in grade is the provisional certificate, granted upon examination of candidates by county, city, borough, or township superintendents; these are good for one year only, are valid only where issued, and cannot be renewed without re-examination. Higher certificates are the professional, the permanent, the normal certificates, the practical teachers' State certificate, and the State teachers' permanent certificate which is granted to graduates of college by the State superintendent upon proof of three years' successful teaching in the public schools. After two years' successful teaching, normal graduates may receive life certificates.

The minimum salary paid to teachers shall be $35 per month. Any district failing to comply with this provision forfeits its State appropriation during the whole time the law is violated.

318. Institutes.— Once in each year the county superintendent is authorized and required to organize the teachers into an institute for improvement in the science

and art of education. The time and place of meeting, the selection of the instructors, and the general management of the institute are by law entirely subject to his control. The institute is one of the most important agencies for inspiring teachers to do their best work. Pennsylvania has the best system of institutes ever devised. It reaches all the teachers and the absences from sessions are few. Instances are on record in which every teacher in a county was in attendance. Funds are appropriated from the county treasury to enable the superintendent to secure the best instructors. The schools are dismissed while the institute is in session, and teachers in attendance receive the same pay as while engaged in teaching. The interest which the superintendent naturally takes in the success of his institute leads to an adaptation to the local needs and a degree of inspiration seldom reached in States which place upon the State school department the management of teachers' institutes. Pennsylvania is one of the few States which use the word Commonwealth in the State constitution; this is significant, for the whole tendency is against the centralization of power. The school laws do not vest in the State superintendent any authority, or impose upon him any duties in connection with annual institutes; yet the State superintendent and his deputies are among the most popular instructors at county and city institutes. The annual institute has become a very potent factor in molding public opinion.

Cities and boroughs having not less than fifty teachers may have separate institutes, the city or borough superintendent directing and controlling as the county superintendent does in the county institute. Under the auspices of the county institutes have grown up the directors' conventions which assemble at the county seat during institute week. Usually one session of the teachers' institute is devoted to a joint meeting of the directors and teachers.

319. Higher Education.— There are thirty-four colleges and universities in the State, some of them among the foremost in the country. The University of Pennsylvania is a great school, the oldest of our higher institutions of learning. Opened in 1749 in a room in a private dwelling, it has grown until its buildings are among the finest and most imposing structures of their kind in the United States. Thousands of students are in attendance, and, in the sense of teaching the whole circle of sciences, the University of Pennsylvania well deserves its name.

Among the other higher institutions of learning may be mentioned: Lafayette, Franklin and Marshall, Allegheny, Dickinson, Washington and Jefferson, Pennsylvania, Bryn Mawr, Swarthmore, Westminster, Grove City, and Villanova colleges (165); and Western University, Bucknell University, and Lehigh University. State college is supported by State and National funds, and its special work is to train students in those branches of learning which are fundamental in modern industrial pursuits. An institution which has an immense endowment is Girard college in Philadelphia, founded as a college for the education of orphan boys. Besides these schools, there are many excellent professional, technical, and art schools; and the medical schools of Philadelphia have long been noted for their excellent work. The Carnegie technical schools, recently established in Pittsburg, give to earnest students that special training necessary to fit them for active duties in that great industrial center. The growing appreciation of higher education, and the demand for men and women of superior training, should do much to encourage the friends of the colleges and universities of our Commonwealth.

CHAPTER XXII

THE DEVELOPMENT OF THE STATE CONSTITUTION

320. Bases of Government.—Government in Pennsylvania, historically considered, naturally falls into three great divisions:—(1), the provincial period, extending from Penn's grant in 1681 to the Revolution in 1776; (2), the revolutionary period, ending with the adoption of the State constitution of 1790; and (3), the period of the Commonwealth, beginning with the adoption of the State constitution of 1790.

As has been previously stated, the bases of the government of our State are found in the charter of King Charles granted in 1681; the "Frame of Government" of 1682-3; the "Great Law" adopted by the first Assembly at Chester; and the "Charter of Privileges" granted by Penn in 1701,—which continued to be the practical constitution of Pennsylvania until the Revolution.

321. State Constitutions.—The first constitution of Pennsylvania was inspired by a resolution, passed by the Continental Congress in May 1776, recommending the assemblies and conventions of each of the colonies to adopt such government as would best lead to the happiness and safety of the people. Under the initiative of the Committee of Safety in Philadelphia a State Convention, with Franklin as president, adopted a new constitution September 28, 1776. The State government was organized, and the new constitution was delivered to the General Assembly

at its first meeting, immediately after the speaker had been chosen. Thus this first constitution went into effect a short time after independence was declared. It was framed and adopted by a convention elected by the people.

The constitution thus framed by State Convention, after the old Assembly which went back to the days of Penn had fallen to pieces in the summer of 1776, was novel in many features and made the government of the State a centralized democracy. The first section placed the power in the hands of an Assembly, a Council, and a President. The supreme legislative power was vested in the Assembly, called the House of Representatives, and elected annually by the qualified electors of the Commonwealth. Members of the Supreme Executive Council were elected for three years. One was elected for each county and one for the city of Philadelphia. On joint ballot the Assembly and Council elected annually the President and Vice-President. The President and the Council were the executive branch of the government. The Vice-President acted in the absence of the President. There was no senate, and no veto. A novel feature was the Council of Censors, chosen once in seven years. Its duty was to inquire whether the constitution had been kept inviolate, the taxes properly levied, the public money wisely expended, and the laws duly carried out. This Council of Censors, largely judicial in its character, was regarded as the bulwark against the tyranny of officials and the unjust acts of lawmakers.

Pennsylvania was the only one of the States which at first attempted to establish a single House of Assembly, Franklin himself being so far carried away by the principle of the sovereignty of the people, as to have concurred in the measure; but the imperfections in the plan soon called for change in the fundamental law, and the creation of a new constitution.

In 1789 the General Assembly, which as we have seen consisted of the house of representatives only, submitted to the people the question of calling a convention to draft a new constitution. The majority of votes cast favored the calling of the convention, and at the next election delegates were chosen. The second constitution — that of 1790 — was the result of their labors. The Constitution of the United States had suggested valuable ideas. The General Assembly was made to consist of the senate and the house of representatives; and the Governor, as the new executive was called, was elected directly by the people.

The third constitution, — that of 1838, — and the present one, which went into effect January 1, 1874, were drafted by constitutional conventions called in the usual manner. The third constitution was submitted to the electors and ratified by them October 9, 1838. It was amended in 1850, 1857, and 1864. The present constitution was ratified by the electors of the Commonwealth December 16, 1873.

322. The People Supreme.— If we study the manner in which these constitutions have been made, we shall see that a constitution is a frame of government established by a superior authority creating a subordinate lawmaking body which can do everything except violate the terms and transcend the powers of the instrument to which it owes its own existence. When the province of Pennsylvania became the State, and the connection with Great Britain was severed, the authority of the king passed over, not to the General Assembly which was still limited, but to the people of the now independent Commonwealth. The will of the people speaks through what is now the State constitution, the fundamental organic law of the Commonwealth.

323. Constitutions a Growth.— Useful constitutions

MOUNT VERNON

are always a growth, and the elements which compose them are the products of progressive history. As we have seen in the study of the several "Frames" granted by William Penn, and also in the several forms which our own State constitutions have assumed, constitutions continue to grow after they have been formed. They show a tendency to become much longer, and to regulate an increasing number of subjects. They cannot be written in unyielding language; for society changes, and constitutions must change with it. Nor should we forget the processes through which the State constitution has developed. One unceasing cry for liberty, the truest and the best, is heard all down the centuries of growth. At Germantown in 1688, the German Quakers or Mennonites voiced the first organized effort against slavery on American soil. "Have these negers not as much right to fight for their freedom as you have to keep them slaves?" On the eve of the Declaration of Independence, the Quakers of Pennsylvania commanded all Friends to free their slaves. On March 1, 1780, the Assembly of Pennsylvania passed an act — the first on record — providing for the emancipation of slaves within the Commonwealth.

The antiquity of Pennsylvania as a separate Commonwealth, running back into the heroic ages of the early colonies and the days of the Revolutionary War, should be a potent source of local pride and patriotism to all who dwell within the limits of the State. As one of the original States, she gives a sense of historic growth and individual corporate life which could not be possessed were the Commonwealth the mere creature of the Federal Government.

With this idea of growth in mind, let the student of civics carefully consider the constitution of the Commonwealth of Pennsylvania.

CHAPTER XXIII

THE PREAMBLE: DECLARATION OF RIGHTS: AMENDMENTS

324. The Enacting Clause. — The first clause of the State constitution (1) is known as the preamble, and is in reality its enacting clause. It is an integral and necessary part of the constitution, and gives to the act all its force and effect.

325. What its Elements are.—The preamble names the power that acts or speaks: "We, the people of the Commonwealth of Pennsylvania,"—

It tells the feelings which impel to the action, and the only recognized higher power: "grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance,"—

And then tells what is done: "do ordain and establish this constitution."

This constitution was framed and adopted by a convention called by the General Assembly; yet these actions were only steps toward the great and binding acts of adoption by the convention, and final ratification by the people. The government proceeds directly from the people, and is ordained and established in the name of the people. The spirit of a time of peace animates the brief preamble.

326. Declaration of Rights.—"That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, we declare that"—

Here follow twenty-six propositions, many of them general political maxims and abstract statements of natural rights, yet serving to set forth the limitations which the people have placed upon their government. These propositions answer the purpose of a Bill of Rights.

327. The Bill of Rights. — Each section in this declaration of rights is in a sense an assertion of the rights of the individual citizen as against the exercise of despotic power by the government. Historically considered, it is the most interesting part of the State constitution, and is a direct inheritance from the Magna Charta and all similar declarations and enactments down to the time of the English Bill of Rights of 1689. The enunciation of these general maxims of personal and political freedom has practical value as a safeguard against tyranny; and also as a reminder to the State Legislature of those fundamental principles of freedom which must not be overlooked. The influence of the Declaration of Independence may be traced in this declaration of rights.

328. Natural Rights. — All men are born equally free, and have a natural, inherent, and indefeasible right to enjoy and defend life and liberty, to acquire, possess, and protect property and reputation, and to pursue their own happiness (2).

329. Object of Government. — The true object of all government is the peace, safety, and happiness of the people, in whom is vested all power and right to alter, reform, and abolish their government in such manner as they may think proper (3).

330. Religious Liberty. — All men have the right to worship Almighty God according to the dictates of their own consciences (4). To this full freedom of religious opinion and worship is added the equality before the law of

all denominations and their members. Yet God is decidedly acknowledged throughout the State constitution, and a man is declared ineligible for office if he does not believe in God, and in the existence of a future state of rewards and punishments (5).

331. Elections Free and Equal. — Elections must be free and equal; and no civil or military power shall at any time interfere to prevent the free exercise of the right of suffrage (6).

332. Freedom of Press and Speech.—The printing press shall be free to every person, and no law shall ever be made to restrain this right (8). Every citizen may freely speak, write, and print on any subject, but is responsible for abuse of that invaluable liberty.

333. Security of Person and Home. — The people shall be secure in person and home from unreasonable searches and seizures (9); and no warrant to search any place or seize any person or things shall be issued without probable cause nor without description.

334. Trial by Jury. — The right of trial by jury remains inviolate (7). In all criminal prosecutions, the accused has the right to a speedy public trial by an impartial jury. He has the right to be heard by himself and his counsel, to know the nature and cause of the charge, to meet the witnesses face to face, and to compel attendance of witnesses. He cannot be compelled to give evidence against himself, nor can he be deprived of life, liberty, or property except by the judgment of his peers or the law of the land (10). A person once tried for an offense and acquitted, cannot be placed on trial again for the same offense (11).

335. Bail: Habeas Corpus. — Excessive bail cannot be required, nor excessive fines imposed, nor cruel punish-

ments inflicted (14). Reasonable bail shall be accepted unless for capital offenses (15). The privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

The term *bail* implies safe-keeping or delivery for a special purpose. It may mean the delivery of a person arrested, either on civil or criminal process, from the custody of an officer of the law, into the safe-keeping of certain friends who give security for his appearance before the court at a given time, or for his performance of the judgment of the court. While the person released on bail is in fact generally allowed to be at large, he is regarded by law as in the custody of the persons who go his bail. Since the law presumes every man innocent until he is proved guilty, it would be unjust, in case of the person charged with the commission of a crime, to keep him in jail until the time of his trial, if by any other means his appearance for trial at the appointed time might be secured. Therefore the law provides that in all civil cases the defendant may give bail as a matter of right, and generally in criminal cases, unless he is charged with a capital offense. Where an assault has been committed under such circumstances as to make it murder if the injured person may die, and there is reasonable probability that death may result, the court generally refuses to admit of bail. Excessive bail is forbidden by the constitution. In case the men who go bail for another have fears that the accused may run away from his trial, they may deliver him up to the sheriff and be released from further responsibility by complying with certain legal forms of surrender. A man who thus "jumps" his bail is not thereby relieved from trial; but when found and put upon trial would be more likely to be convicted, and indeed, more severely punished than if he had not tried to avoid his trial.

336. Right and Justice. — All courts shall be open (12), and every man for an injury done him shall have remedy in due course of law. Right and justice shall not be sold, denied, nor delayed. The words of Magna Charta have the same true ring: "We will sell to no man, we will not deny to any man, either justice or right." No commission of oyer and terminer or jail delivery shall be issued (16).

337. Taking Private Property for Public Use. — The State can exercise the right of eminent domain, — that is, may take private property for public use; but it must pay a just compensation (11).

338. No Imprisonment for Debt. — Imprisonment for debt is forbidden, except in case of fraud (17).

339. No Ex post facto Laws. — It is provided that no *ex post facto* law, nor any law impairing the obligation of a contract shall be passed (18).

340. Bills of Attainder: Estates of Suicides. — No bills of attainder shall be passed by the Legislature (19); and the estates of suicides shall descend in the ordinary course of law (20).

341. Right to Assemble and to Petition. — The people have the right to assemble together for their common good, and also to petition for redress of grievances (21).

342. Right to Bear Arms. — The right of citizens to bear arms in defense of themselves and the State (22) shall not be questioned. To deny the people this right is a means employed by despotic rulers to enforce arbitrary government. This clause renders possible the citizen soldiery or militia.

343. No Standing Army: Military Subordinate to Civil Power. — The State does not have a permanent army of professional soldiers; and the military power is in

strict subordination to the civil power (23). Nor can soldiers be quartered upon the people (24).

344. Titles of Nobility. — No titles of nobility nor any hereditary honors, privileges, or emoluments can be granted (25).

345. Emigration. — Emigration from the State shall not be prohibited (26).

346. Power of Suspending Laws. — No power of suspending laws (13) shall be exercised except by the Legislature or by its authority.

347. Excepted and Forever Inviolate. — To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate (27).

348. How Amendments are Made. — The supreme court has decided that the article which provides for amendments (207) is complete in itself, and provides all the machinery that is necessary to be followed in the amendment of the State constitution. The method of procedure is as follows:

The amendment is introduced into the General Assembly in the form of a joint resolution. "Be it resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following is proposed as an amendment to the constitution of the Commonwealth of Pennsylvania, in accordance with the provisions of the eighteenth article thereof:"—

After passing both branches of the Legislature, the resolution may or may not be submitted to the Governor for his approval. The supreme court has decided that such submission is not necessary. The secretary of the Commonwealth must then cause the amendments to be published

throughout the State at least three months before the next general election.

If the General Assembly next afterwards chosen passes the joint resolution, the secretary of the Commonwealth again publishes the amendments, and they are submitted to the vote of the qualified electors of the State. If approved by a majority of those voting thereon, they become a part of the State constitution (208).

349. Recent Amendments. — Three amendments were ratified by the people November 5, 1901. The vote on the second amendment was 194,053 yeas and 41,203 nays, in a total vote of 848,342 on candidates.

The third amendment nullifies the requirement that registration shall be uniform throughout the State; since laws regulating and requiring registration may be enacted to apply to cities only, but such laws must be uniform for cities of the same class. The second amendment reads as follows: "All elections by the citizens shall be by ballot or by such other method as may be prescribed by law: Provided, that secrecy in voting be preserved." According to this amendment, the ballots used hereafter in elections will be unnumbered, and shall not be marked in any way that it may be ascertained who deposited them. This provision secures a ballot absolutely secret. A proviso in the ballot law of 1893 states that if at any time the constitution ceases to require ballots to be numbered, no number shall be marked on the ballot, and it shall be deposited in the ballot box by the voter himself. This amendment makes possible the enactment of laws authorizing the use of voting machines in the election system of the State.

CHAPTER XXIV

THE STATE AND THE NATION

350. State Governments as Models.—It is believed that the State should come first in the study and description of the government of the country, because the government and Constitution of the United States were constructed in conformity to models and precedents from the various States. The great bulk of the business of government rests with the State authorities. The State dispenses justice and right, bears the weight of the control of its citizens, and still stands nearest to the people in all social and legal relations.

351. The Scope of State Power.—The authority of a State is an inherent not a delegated authority. In all ordinary matters, the State rules its citizens without the interference of the Federal government. Our State courts make a complete judiciary system from top to bottom, independent of the courts of the United States in many important respects, yet at the same time not entirely unrelated. The Commonwealth of Pennsylvania has all the powers of an independent government, except such as it has delegated elsewhere. The State government and the National government are complements to each other. In the great mass of affairs in ordinary life, those which relate to the Government of the United States form the exception, while those relating to the State government constitute the rule. The powers not delegated to the United States by the Federal Constitution nor prohibited by it to the States, are reserved to the States respectively or to the people.

352. Scope of the Federal Power. — All the powers of the general government are such as affect interests which could not be regulated harmoniously by any scheme of separate action by the several States. The Federal government has only such powers as it can be affirmatively shown to have received; and while these appear large by enumeration, they are really small compared with the vast power which remains with the States or with the people.

The Constitution and laws of the United States form the supreme law of the land (X 2), not because they are set above the constitutions and laws of the States, but because they are integral parts of the law of each separate State. The Constitution is a part of the State law in so much as it limits the sphere of State activity; but the laws passed by Congress are also portions of State law which all are bound to obey.

No State can as a single commonwealth deal politically with or act upon any other State. The United States as a nation has been called a Banded-State. The powers granted to Congress have proved sufficient to bind the States together in a Union that is strong because of the partition of powers between the Federal government and the individual States. While the United States government must not encroach upon the sphere of the several States, it is vested with higher powers of government worthy of the most careful study. The Constitution of the United States is a clear sketch of the fundamentals of good government.

353. Brief Outline of the Government of the United States. — The foundation of the government of the United States is the National Constitution, which is the supreme law of the land (X 2). All laws made by Congress, or by the legislature of any State, or any ordinance or rule of a county, borough, or city, or even of a school

district, is void if it is not in accord with the National Constitution. The local government and the State government, each with great variety of detail, must move in harmony with the government of the United States.

The National Government consists of three branches: the Legislative, the Executive, and the Judicial.

The Legislative branch consists of the Senate and the House of Representatives, and is called Congress (B). Bills are passed by Congress, and become laws when signed by the President. If, however, the President neither signs nor vetoes a bill within ten days after its passage, it becomes a law without his signature, unless Congress, by adjournment prevent its return. A vetoed bill may be passed again by a majority of two-thirds in each branch of Congress, and then becomes a law.

The Executive branch is vested in the President, who represents the unity, the power, and the purpose of the Nation. It is his duty, through his officers, to enforce the laws. A bill passed by Congress may be prevented from becoming a law by being vetoed or forbidden by the President, and only in exceptional cases are bills passed over his veto. The President's office is the highest in the power of the people to bestow.

The Judicial branch of government is vested in the Supreme Court, created by the Constitution, and in inferior National courts — district and circuit — established by Congress. Ordinary cases involving Federal law can be brought in the District Courts, appealed to the Circuit Courts, and thence to the Supreme Court. Appeals can be taken from the highest State courts to the Federal Supreme Court in all cases involving Federal law. Thus all cases turning on Federal law may finally be brought before the great court of the Nation. These National courts adjust legal difficul-

ties, interpret the laws, and decide upon their constitutionality. The Supreme Court of the United States has become the balance-wheel of our system of government.

In the succeeding chapter each of these branches will be treated in detail. While in theory each of these three functions of government are justly regarded as distinct and best exercised by entirely different persons, the practical working out of systems of government in communities, States, and the Nation has shown that it is convenient and wise that some officials should be connected with more than one of these departments and discharge varied duties. Thus it will be seen that Congress exercises judicial powers in cases of impeachment; that the Senate has executive power in the confirmation or rejection of appointments of officials by the President; and that the judges in courts inferior and superior exercise executive powers in ordering the carrying out of the judicial decisions in individual cases. The Supreme Court practically becomes executive when it pronounces a law unconstitutional. This right, vested in the highest court of the United States, forms the most powerful barrier against the tyranny of political legislation.

CHAPTER XXV

THE NATIONAL LEGISLATIVE POWER

354. Congress is Bicameral.— Congress is a dual or bicameral body; that is, it consists of two chambers, the Senate and the House of Representatives. A bicameral legislature has the great advansage of securing fuller and more deliberate consideration of all legislative business. One chamber acts as a certain check and balance upon the other. The example set by the English Parliament has been followed in the form which our legislative body has assumed. The term Congress is of course a collective one, and applies to the two legislative bodies taken together and considered as enacting national laws. The composition of Congresss is determined by Article II of the Constitution (B).

355. The House of Representatives. — The House of Representatives is composed of members chosen every second year by the people of the several States (C 1). Any person who can vote for a member of the more numerous branch of the State legislature may vote for a Representative in Congress. The election of Representatives for Congress occurs, in nearly all States, on the Tuesday after the first Monday in November in every even numbered year. In Oregon, the Congressmen are elected on the first Monday in June; in Vermont, on the first Tuesday in September; and in Maine, on the second Monday in September.

356. Number of Representatives.—There are three hundred and eighty-six members of the House of Representatives. The number of members apportioned to each State

is in proportion to its population as determined by the last national census (C 3). Each State shall have at least one Representative. The State of Pennsylvania has thirty-two Representatives in the House.

By an act of Congress, every territory belonging to the United States in which a government has been established, is entitled to send one delegate to Congress. He has the right to take part in the debates of the House of Representatives, but is denied the right of voting.

In making the apportionment of representatives to the several States, after the number of members of the House is fixed upon, the ratio of representation is then found. From the population of the States, as given by the census, was subtracted that of the two States with least population — each having less than half of the probable number required — leaving 74,565,906 as dividend to a divisor 384. The resulting *ratio of representation* for the apportionment of 1901 is 194,182. The population of Pennsylvania is 6,302,115; and, dividing this by 194,182, we find 32 for the number of representatives. There is a remainder of 88,291. The sum of the integral quotients is never equal to the whole number of members to be apportioned; so an extra member is assigned to the State having the largest remainder, another to that having the next largest, and so on until the apportionment is completed. In this manner, beginning with Missouri with a remainder of 193,935 and ending with Nebraska with a remainder of 95,390, about one-half of the States receive more Congressmen in the apportionment than the strict ratio would give. The ratio in such States is less than 194,182; while in other States, such as Pennsylvania, the actual ratio is greater. Since Pennsylvania has 6,302,115 inhabitants, the actual ratio is 196,941.

357. Qualifications of Representatives. — A Rep-

resentative must be at least twenty-five years of age, a citizen of the United States for seven years, and an inhabitant of the State from which he is elected. Representatives are not required by law to reside in their districts, but such is the almost universal practice. They are supposed to regard the interests of the nation as a whole, rather than those of the particular section from which they are chosen (C 2). But, strictly speaking, members of Congress are not officers of the United States.

358. Election of Representatives. — Congress has provided by law that, in every case where a State is entitled to more than one Representative, the members shall be elected by districts composed of contiguous territory equal in number to the number of Congressmen to be chosen.

The duty of dividing the State into Congressional districts falls upon the State legislature (E 1). If the number of Representatives is increased, and the legislature fails to redistrict the State so as to correspond properly to the number of Representatives, the additional member or members shall be elected by the State as a whole. Congressmen thus chosen on a general ticket, and not by district tickets, in States having more than one Representative, are called Congressmen-at-large (E 1).

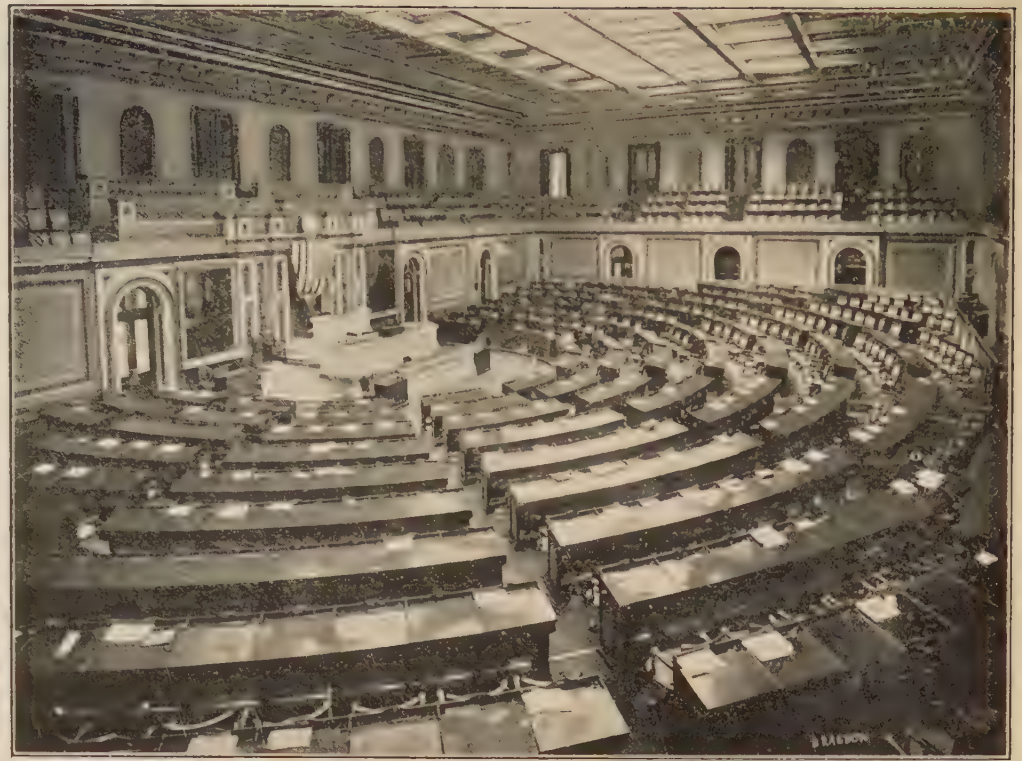
The Congressional districts must, as nearly as possible, contain an equal number of inhabitants. The party in power in a State legislature may try to secure more than its just proportion of the members of Congress to be elected from their State. Instead of dividing the State into districts of nearly regular form, the districts are made to wind in and out in very irregular ways, so that the opposing votes are unfairly united or divided. This operation of party expediency is termed "gerrymandering," after Governor Elbridge Gerry of Massachusetts, to whose influence

such an unfair operation was once attributed, although it is now known that he opposed the measure.

359. Vacancies.— When a vacancy occurs in the representation of any State, the Governor calls a special election, and the qualified voters elect a person to fill the vacancy (C 4).

360. The Officers of the House.—The presiding officer of the House of Representatives is the Speaker (C 5). He is chosen from the members of the House, has the right to vote on all questions, and must do so in all cases when his vote will decide a question pending. In point of rank the Speaker is the third officer of the Government, and in actual power is second only to the President of the United States. Through the fact that he appoints all committees of the House, designates their chairmen, and is himself the chairman of the committee on rules, he is able to shape legislation to a great extent.

The House chooses other necessary officers, including the clerk, sergeant-at-arms, postmaster, chaplain, and doorkeeper, who are not members of the House. The duties of these officers are sufficiently obvious from their titles. The clerk holds over until the Speaker and clerk of the next House are chosen, at which election he presides. The clerk is usually an ex-member of the House. The police officer of the house is the sergeant-at-arms. The symbol of the power of the House of Representatives is a bundle of ebony rods tipped with spear-heads, and surrounding a central rod surmounted by a globe and a silver eagle with wings outspread. This is the *mace*, an ancient symbol used for centuries in the Roman senate, now the symbol of the power of the people. The duties of the doorkeeper are broader than his title, since he has charge of the room of the House of Representatives. The chaplain opens each



daily session of the House with prayer for Divine guidance.

361. Compensation. — A Representative receives a compensation of $7,500 a year; and the Speaker $12,000. Mileage is allowed at the rate of twenty cents a mile for the necessary distance traveled in going to and returning from the seat of government. A Congressman is also allowed $125 a year for postage and stationery.

362. Oath of Office.—The Constitution requires that Senators and Representatives, and the members of State legislatures, as well as all executive and judicial officers, both of the United States and of the several States, shall take oath of office to support the Constitution (X 3). As soon as the Speaker of the House is chosen, he is escorted to the chair by the member of the House who has served the greatest number of terms. This "father of the House" administers the oath of office to the Speaker, who then administers the oath to the new members, called before him for that purpose. After the oath of office has been taken by every member, the House is ready to proceed to any business which may be presented.

363. The Senate.—The Senate of the United States is composed of two Senators from each State, chosen by the legislature for a term of six years. Each Senator has one vote. (D 1).

At the time of the framing of the Constitution, the large States conceded to the small States equal representation in the Senate. Both the equality of representation and the election of the Senators by the State legislatures are survivals of the old Articles of Confederation. The term of six years gives to the Senator that feeling of security in position that does much to insure independence of action in regard to the best interests of the nation. Cases are on rec-

ord where Senators have served for four consecutive terms.

364. Number of Senators: Classes. — There are ninety Senators at present, two from each of the forty-five States in the Union. When Oklahoma is admitted as a State, the whole number of Senators will be ninety-two, while the number of Representatives will be three hundred and ninety-one. Senators are divided into three classes as nearly equal as possible. The terms of one-third of the Senators expire on March 4th of each odd year:

Class I, 1791, 1797.....1905
Class II, 1793, 1799.....1907
Classs III, 1795, 1801.....1903

The two Senators from a State are never assigned in the same class. It is seen that one-third of the Senators go out of office every two years. This arrangement secures at all times the benefit of the experience of at least two-thirds of the body. It may happen that one or both of the first Senators from a new State may serve less than the full term of six years (D 2).

The Senate is a perpetual body, and at any time is ordinarily fully organized, although not in actual session.

365. Qualifications of Senators.—A Senator must be at least thirty years old, a citizen of the United States for nine years, and an inhabitant of the State for which he is chosen. Previous absence from the State, on public business in a foreign country, or as a traveler, does not debar a person from the Senate nor from the House (D 3).

366. Election of Senators.—A law passed by Congress in 1866 makes the election of Senators uniform for the States (E 1). The legislature chosen next preceding the expiration of the term of a Senator in any State, shall, on the second Tuesday after organization, elect a Senator

in the following manner. Each house must vote *viva voce* for Senator, and the vote is recorded in the journals. The next day, at noon, the houses meet in joint session and the journals of the proceedings of the previous day are read. If the same person has received a majority of all the votes cast in each house, he is declared elected. If no election has resulted, the joint assembly then proceeds to choose a Senator by *viva voce* vote of each person present, and if any person receives a majority of all the votes of the joint assembly—a majority of all members elected to both houses being present and voting—he is declared duly elected. If no choice is made on this day, then the houses meet in joint session each succeeding day of the session at the same hour, and must take at least one vote until a Senator is elected or the legislature adjourns.

367. Vacancies.—When a vacancy occurs in the Senate during a recess of the legislature, the Governor appoints a person to fill the place until a successor is chosen at the next meeting of the legislature (D_2). The newly elected Senator only fills out the term of his predecessor. Without this provision for filling the vacancy, either the legislature must be called together immediately to fill the place, or the State remain in whole or in part unrepresented in the Senate.

368. Officers of the Senate.—The Vice-President of the United States is President of the Senate, but has no vote, unless they are equally divided (D_4). The Senators choose one of their number President *pro tempore*, who presides during the absence of the Vice-President, or when he has become President of the United States through succession to that office. The Senate elects a secretary, chief clerk, executive clerk, sergeant-at-arms, doorkeeper, postmaster, librarian, and chaplain. None of these are members of the Senate (D_5).

369. Compensation.—A Senator receives a salary of $7,500 per year, and mileage and postage as in the case of Representatives (G 1). When the President *pro tempore* takes the place of the Vice-President for any considerable length of time, the salary of that official, namely $12,000 per year, is paid during the time the President *pro tempore* exercises the office.

370. Oath of Office. — The Vice-President of the United States takes the oath of office on inauguration day; and, when he meets the Senate on the first day of the session, he administers the oath to the new Senators (X 3). The Senate is then ready to proceed to the transaction of any business that may be presented.

371. Impeachment.—The sole power to try impeachments is vested in the Senate (D 6); but the sole power to impeach is vested in the House of Representatives (C 5). In such cases the House adopts formal articles of impeachment, similar to the counts in an indictment found by a grand jury in a court of law. A committee from the House presents the articles of impeachment before the Senate. The Senators sit as a court, and must then take a special oath or affirmation (D 6). No person can be convicted except by the vote of two thirds of the Senators present. When the President of the United States is impeached, the Chief Justice presides at the trial. The judgment in cases of conviction shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States. Whether acquitted or convicted, the person is still liable to be tried and punished by the ordinary processes of law (D 7). Senators and Representatives cannot be impeached. The President, Vice President, and all civil officers of the United States may be removed from office, on impeachment

for, and conviction of, treason, bribery, or other high crimes and misdemeanors(O).

Only eight such cases of impeachment have occurred since the adoption of the Constitution. The first case presented before the Senate, that of Senator William Blount (1799), did not come to trial; the decision was made that, under the Constitution, only "civil officers" can be impeached, and that a Senator of the United States is not a civil officer. The other noted cases are those of Justice Samuel Chase of the Supreme Court (1804), and President Andrew Johnson (1868). The impeachment of Justice Chase was a dangerous interference with the independence of the Judiciary. He was acquitted by the Senate; and, after this failure, the Supreme Court was never again directly attacked by the political branches of the Government. President Johnson, in the troublous times of reconstruction, escaped conviction by but a single vote. Four Judges of the District Courts of the United States have been impeached: John Pickering (1803), James H. Peck (1830), and W. H. Humphries (1862). Judge Pickering seems to have been insane, and was removed from office; Judge Peck was acquitted, and Judge Humphries was convicted of treason. In 1905, Judge Charles Swayne was impeached for residing outside of his district, and for overcharges and other improper conduct; but the Senate, regarding the charges unfounded, acquitted him. In 1876 W. W. Belknap, Secretary of War, was impeached, but was acquitted.

372. Bills for Raising Revenue.—All bills for raising revenue must originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills (H 1). In all free countries the legislative branch tends to become the most powerful, and

is clothed with those powers which come nearest to the people. Among these is the power to tax. Congress has ample revenue powers, but the power to originate all such bills is vested in that house which is supposed to be in closest touch with the people. The Senate may, however, originate a bill which requires the expenditure of money, but the House levies the tax required by that particular bill.

373. Sessions of Congress.—Congress must assemble at least once every year, and such meeting is on the first Monday in December, unless by law it appoints a different day (E 2). Each Congress lasts two years, that is during the time for which each new set of Representatives is elected. There are two regular sessions: a long session, and a short session. The long session begins on the first Monday in December following the beginning of the Representative's term, and continues until some time in midsummer. The short session begins on the first Monday of the following December, but can continue only until March 4 of the next year, at which time the term of office expires for all Representatives and for one-third of the Senators. Long sessions end in even years (1906, 1908, etc), and short sessions in odd years (1905, 1907, etc). Congress may by law provide for special sessions, or may hold adjourned sessions. Extra sessions may be called at any time by the President of the United States for the transaction of urgent business. Unless an extra session of Congress is called, newly elected members do not take their seats until thirteen months after their election. The term "a Congress" is applied to so much of the continuous life of the National Legislature as is embraced within the full term of the Representative. The First Congress was that filling the period 1789-1791; the Second, that of 1791-1793; while the Fifty-ninth Congress has the period 1905-1907.

Neither house, during the session of Congress, can, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses are sitting (F 4). Both houses have been called together in special session but eleven times in the history of our country. A special session of the Senate is always called after the inauguration of a President, in order to confirm his appointments. The Senate alone has repeatedly been called in extra session to confirm appointments and to ratify treaties. The House of Representatives has never been called in special session alone, since without the Senate it cannot complete any public business.

374. Privileges and Disabilities.—During their attendance at the sessions of their respective houses, or while going to, or returning from the same, Senators and Representatives are exempt from arrest except for treason, felony, or breach of the peace (G 1). Nor can a member of either house be held liable to prosecution for libel or slander for anything which he may have said in Congress in any speech or debate. This freedom from arrest and this exemption from responsibility are really to protect the rights of the people; since the nation should not be deprived of the services of the representatives of the people, nor should freedom of debate be limited.

No Senator or Representative can be appointed to any office under the authority of the United States which shall have been created, or the pay of which shall have been increased during the time for which he was elected (G 2). A Senator or a Representative may be appointed to any office that existed at the time of his election, if the pay has not been increased. But he must resign his seat in Congress; for no person, holding any office under the United States, can

be a member of either house during his continuance in office (G 2).

375. Contests: Quorum. — When any question is raised as to the election or qualification of a member, the house in which he claims a seat decides it. A majority of each house constitutes a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members (F 1).

376. Rules: Expulsions.— Each house determines the rules of its proceedings, punishes its members for disorderly behavior, and by a two-thirds vote may expel a member (F 2).

377. The Journal.—Each house keeps a journal of its proceedings, and these are published from time to time except such parts as require secrecy. At the desire of one-fifth of the members present, the yeas and nays are entered on the journal (F 3).

378. Committees.—Congress necessarily transacts an immense amount of business in legislating for the wealthiest nation on the globe—a nation of seventy-six millions of people, inhabiting a territory of over three and one-half millions of square miles. In order to expedite business, each house of Congress is divided into a large number of committes. Each committee is concerned with a certain class of business; and bills, when introduced, are referred to the proper committees for consideration. The committees consider these bills carefully, investigate, and, if necessary ask the opinion of outside persons in order to discover the value of the measures. After such consideration, the bills are reported back to the House or Senate. Only the more important ones reach this stage; for, on account of lack of time, if for no other reason, the majority are

"killed in committee". Thus the committees determine the form and character of our laws. The debates on the bills when presented are really discussions of the reports of the various committees. The report of a committee usually decides the fate of a measure. Since in the business of legislation the committees are such an important factor, the Speaker of the House, who has the power of appointing the committees in that body, becomes in many respects the most influential citizen in the United States.

One of the most important committees in the House of Representatives is the Committee on Rules. It consists of the Speaker as chairman, and four others of the most experienced and influential members, two from each of the leading parties. This small committee exercises great influence upon legislation, and really decides what measures shall be considered by the House. Not the least part of the great power which the Speaker exercises comes from the fact that he is chairman of this committee and appoints its other members.

379. Mode of Passing Bills.—A bill is a proposed law. In the general process of legislation, it may become a law by receiving the consent of Congress and that of the President of the United States. A law regulates, controls, governs, and must be obeyed. A bill has no force of itself.

Any bill, excepting one of revenue, may be introduced in either the Senate or the House of Representatives. It is then referred to the proper committee. If it is reported back and passed by a majority in each house, it is then sent to the President of the United States. If he signs it, the bill becomes a law of the country (H_2).

If the President does not approve of the bill, he returns it to the house in which it originated, with a message in

which he sets forth his objections and his reasons for refusing to sign it. When the President returns a bill unsigned, he is said to *veto* it. The term *veto* means "I forbid". The bill may yet become a law, however. The house to which the bill is returned again considers it, a quorum being present. If two-thirds of the members present agree to pass the bill a second time, it is then sent to the other house. If two-thirds of the members repass the bill over the veto, it becomes a law without the signature of the President.

In accordance with the Constitution, the President must either sign or veto a bill within ten working days after he has received it, or the bill becomes a law in like manner as if he had signed it. But Congress by adjournment may prevent its return, in which case it does not become a law. When the President thus holds a bill so that the time for adjournment arrives before the expiration of the ten days allowed for returning it, his retention of it under these circumstances at the end of a session is called a "pocket veto".

Bills are sometimes defeated by a process called *filibustering*. In the House, this is done by making motions delaying action,—such as motions to adjourn, or calling for the yeas and nays upon them. In the Senate, a bill particularly objectionable to a minority may be "talked to death" by the unrestricted right of debate exercised on the part of the Senators.

After a bill becomes a law it is sent to the Secretary of State, who preserves it as a part of the law of the land.

CHAPTER XXVI

POWERS OF CONGRESS

380. Delegated Powers.—The general government from its very nature is largely a government of delegated powers. Having derived its powers from the people, such powers are limited by the Constitution. Most of the powers of Congress are enumerated in the eighth section of Article I. All of these general powers of legislation vested in Congress are necessary to the formation of a strong and efficient government. These eighteen clauses are a vital force in the system of National control. Political parties differ concerning the nature of the powers granted to Congress; one party favoring a strict construction of the Constitution, while the other favors a construction which looks toward State rather than Congressional legislation.

381. Taxes: Tariff: Free Trade. — Congress has power to raise money needed for the payment of the debts of the United States, and to provide for the welfare of the Nation. The power to tax is one of the most essential principles of an enduring government. The only restriction placed upon the power of taxation is that all duties, imposts, and excises shall be uniform throughout the United States.

Taxes are of two kinds, direct and indirect. A direct tax is one laid directly upon the persons or property of the people. A poll tax, a land or property tax, or a tax upon the income of a person, may be named as illustrating this kind of tax. Taxes upon imported goods, called duties or

imposts, and excises or taxes on goods made within the country are examples of indirect taxes. The money paid for license to sell spirituous liquors is also an excise tax.

Although Congress has power to lay direct taxes, it has seldom been exercised. Direct taxes were used to defray the heavy expenses of the Civil War; and more recently, but to a much less degree, in the Spanish War. As to indirect taxes, the United States has never levied duties upon exports (I 1).

A tariff is a schedule of taxes; but more specifically a law showing the import tax levied upon each article brought into this country. A system of taxation called the protective tariff has for its object, not only the raising of the money for the expenses of the government, but also the protection of home manufacturers. This system makes the duties high on all kinds of articles which we also manufacture in this country. A system of tariff for revenue takes into consideration only the raising of the amount of money needed to carry on the government and pay the expenses. Protection of home industries is only incidental. Free trade is the admission of all foreign goods free of duty. Reciprocity is a system of mutual concessions by two countries by means of which equal privileges as regards the admission of imports are granted.

The duties levied by the United States combine revenue and protection. The tariff applies to States and Territories alike, but not to the islands recently acquired from Spain. Within the borders there is absolutely free trade.

Duties are collected by government officials stationed in custom houses at the various ports of entry. When a vessel from a foreign country arrives, it is submitted, with its cargo and all papers and invoices, to the inspection of the

custom-officers. These officials attend to the weighing, measuring, and inspecting of the goods subject to duty. All duties must be paid before the imports can be taken away from the ship, or from the warehouses in which the goods may be temporarily placed.

382. Public Credit.—The power to borrow money authorizes the selling of bonds of the United States, the issue of legal-tender paper money, and the establishment of National banks (I_2).

In 1791 the public debt was less than $76,000,000; and until the Civil War it never exceeded $100,000,000, except for a few years immediately after the war of 1812, when it rose to $127,000,000. In 1835 it had decreased to less than $38,000, but rose again gradually to $90,000,000 in 1861. When the great civil strife was over, the debt had been greatly increased, reaching its highest point in 1866 at over $2,773,000,000. On December 1, 1906, the public debt, not including certificates and Treasury notes, was $1,325,472,174. Of public debt $399,189,719 bears no interest. The greater part of the interest-bearing debt is due to bondholders, and bears the low rate of 2 per cent. interest. The remainder was borrowed partly at 3, and partly at 4 per cent. The task of extinguishing the National debt, which Jefferson was so anxious to accomplish, is no longer regarded as vital to the destinies of our government. No other nation borrows money at so low rates as is possible to the United States, and no other great nation has so small a public debt, the entire amount being $2,429,370,044.

The fourth section of the fourteenth amendment (Am. 14) forbids the repudiation of any part of the public debt of the United States. It also makes illegal and void all debts, obligations, and claims incurred in aid of insurrection or

rebellion against the United States, or any claim for the loss or emancipation of any slave.

383. Commerce.—Under the authority given by the Constitution, Congress has power to regulate the commerce of the United States with foreign nations. Nor can one State refuse to admit the products of another State nor levy any duties upon them. Congress has power to prevent unfair discrimination in freight and passenger rates (I 3).

384. Naturalization.—Congress has provided that a foreigner, unless he belongs to the Mongolian race, may become a citizen on his compliance with certain conditions.

The requirements for naturalization are as follows: Five years' residence in the United States, and one year's residence in the State or Territory where the privilege is sought; two years' preliminary declaration of intention to become a citizen; an oath to support the Constitution; the renouncing of allegiance to any foreign power, and of all titles of nobility. The naturalized citizen is entitled to all the rights of the native-born citizen, except that he can never be President or Vice-President (I 4).

Congress has power to extend naturalization by general law to the inhabitants of large sections of country. When by joint resolution Texas was annexed as a full-fledged State in 1845, wholesale naturalization was practiced. A more recent example occurred when by act of Congress in 1900, all persons who in 1898 were citizens of the Republic of Hawaii, were declared to be citizens of the United States and of the Territory of Hawaii. President Jefferson and the Senate practically did the same thing by treaty when the vast territory of Louisiana was purchased in 1803.

The right to vote is given by the States, and in most of them citizenship is an essential qualification of the voter.

Yet in about one-fourth of the States foreigners may vote if they have declared their intention to become citizens.

385. Bankruptcy.—A bankrupt is a person who is unable to pay all his just debts. In law, the term is applied to a person who has been judicially declared unable to meet his liabilities. A bankrupt law enables a debtor to be discharged from the payment of his debts upon giving up all property to his creditors. Congress has power to pass laws by which insolvent debtors may settle their affairs. There have been four laws enacted concerning bankruptcy: the first in 1800, repealed in 1803; the second in 1841, repealed in 1843; the third in 1867, repealed in 1878; and the fourth in 1898. Many states have passed bankruptcy laws of their own, but these are always subject to the National law when there is one in force (I 4).

386. Money.—As a consequence of the power conferred on Congress to coin money and to regulate its value, the United States has a uniform currency. The individual States are expressly forbidden to coin money or to make anything but gold and silver a legal tender for debts.

The place where money is coined is called a *mint*. Mints have been established in different cities, but those in Philadelphia, New Orleans, and San Francisco are the only ones now in operation. The mints at Carson City and Denver are at present equipped as Assay offices. The principal mint, and the first that was established in this country, is at Philadelphia (I 5).

The right to coin money implies the right to issue paper money. Such bills, however, are only evidence of a credit, and are but convenient substitutes for money. Paper money is only taken by the people because the government stands responsible for the various forms of paper money is-

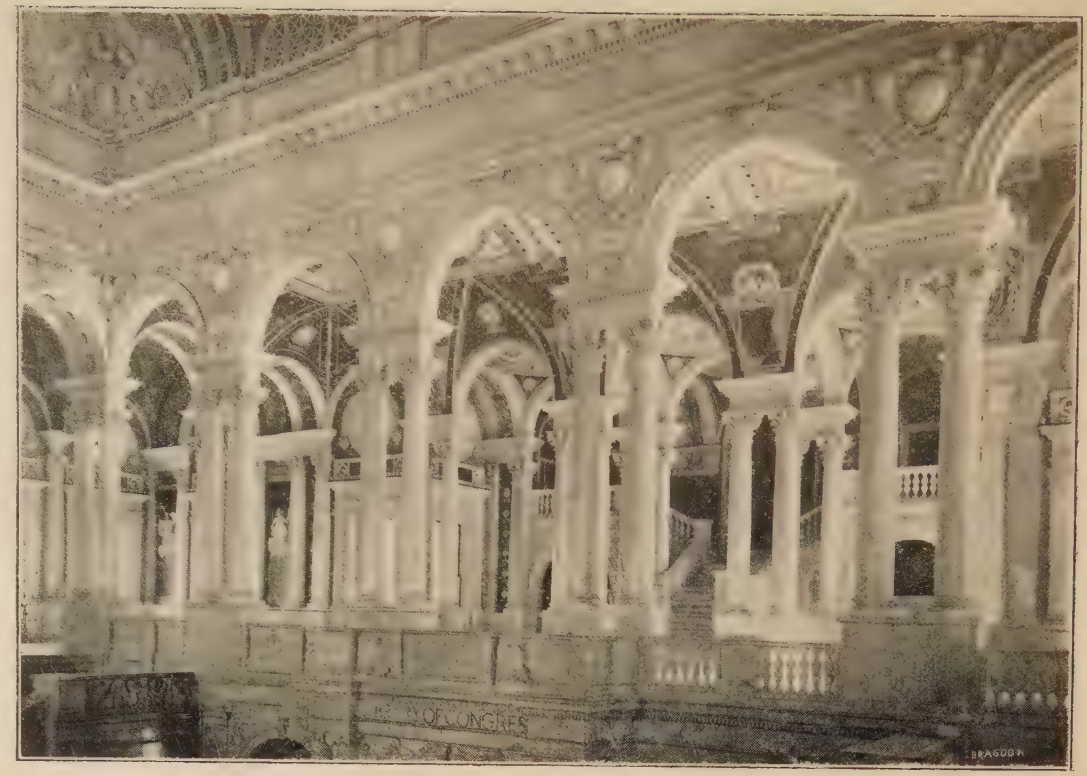
sued. All paper money is made at the Bureau of Engraving at Washington.

The paper money that is nearest to actual money of all the forms issued consists of the gold certificates and the silver certificates, issued on the security of gold and silver deposited as bullion in the Treasury of the United States. They are legal tender for all obligations public or private, except that part of the interest on the public debt which the government agrees to pay in gold coin.

Another part of the paper money in circulation consists of the bank-notes, issued by National banks under the sanction of the government, and secured by United States bonds deposited by such banks with the United States Treasurer at Washington. These notes are not a legal tender for private debts; but they are readily accepted everywhere, since the holders of such National bank-notes, were it desirable to do so, could have them redeemed in gold or silver by presenting them at the bank of issue or at the United States Treasury. As a means of protection of the interests of the people, the government inspects National banks regularly.

Counterfeiting the coin and securities of the country is a serious crime. The law against counterfeiting provides a penalty of a maximum fine of five thousand dollars and imprisonment for not more than ten years (I 6).

387. Weights and Measures. — Congress has the power to fix the standards of weights and measures. The United States standards of weights and measures are accurate copies of the English standards. The English system has become so firmly fixed as the result of several centuries of use that any change would be exceedingly difficult. Congress made the use of the metric system permissive in 1866; but,



INTERIOR OF LIBRARY OF CONGRESS

although its use is quite general among scientific men, the system has never become popular (I_5).

388. Post-Offices and Postage.—The common expression, "the United States mail," recognizes the single authority of the government in the control of mail-routes and post-offices, and the establishment of a complete postal system. The first cognizance which the United States takes of its new territory is in the mail service. When the savage finds the mail-carrier calling at his back door, he may consider himself on the way to civilization. Even in the wilder parts of our vast domain the system of "toting" by private enterprise soon gives way to government carriers, and the people rejoice in far Alaska when the charge of one dollar a letter reduces to the trifle charged by our postal rates. The present rate for a letter sent to any part of the United States is two cents. Five cents postage will send a letter to any of the civilized countries of the world (I_7).

All mailable matter is divided into four classes. First-class matter consists of letters and other written matter, sealed or unsealed, and all other matter sealed or fastened in any manner not easily examined. Its rate of postage is two cents per ounce or fraction thereof; except on postal cards and local or drop letters, where there is no free delivery, in which cases the rate is one cent. Second-class mail matter consists of newspapers and periodicals issued not less than four times a year from a known office of publication. Such matter may be mailed by the public at one cent for each four ounces, but publishers and news agents may mail them for one cent a pound. Publications sent to actual subscribers within the county where published are free from postage unless mailed for local delivery at

a letter-carrier office. Third-class matter is books, circulars, proof-sheets, corrected proofs, engravings, etc. The postage on this class is one cent for each two ounces or fraction thereof. Fourth-class matter includes merchandise, samples, and all mailable matter not included in the other classes. The limit of weight is four pounds, and the postage rate is one cent per ounce.

Special-delivery stamps are sold at post-offices at ten cents additional postage. These entitle the letters to immediate delivery by special messenger. Letters or any other mail matter may be registered at the rate of eight cents for each package. Such matter is carried with special precautions against loss. It can readily be traced, since every person who handles it must receipt for it. In case of loss of first-class registered matter, the government will pay its value up to twenty-five dollars. The registry system reaches every post-office in the world. Domestic money-orders are issued at money-order post-offices for sums not exceeding one hundred dollars at rates from three to thirty cents above the sum of money to be sent. The system provides an absolutely safe and convenient means of transmitting money.

Domestic rates of postage apply to Canada, Mexico, Cuba, Tutuila, Porto Rico, Guam, Hawaii, the Phillipines, and some places in China served through the United States Postal Agency at Shanghai.

All civilized countries are included in the Postal Union. To all foreign countries the postage rates are for letters per half-ounce, five cents; postal cards, two cents each; second and third-class matter, two ounces for one cent.

Rural free delivery of letters has become a permanent branch of the postal administration. The annual appropriation for this service is twenty-five millions of dollars, and

exceeds that provided for city free delivery; the number of carriers is also greater. The rural service, with daily delivery and collection, is in operation on thirty-six thousand routes and extends its benefits to over three million families. Persons desiring the benefits of service on a rural delivery route are required to furnish, at their own expense, boxes for the reception of mail to be delivered or collected by the carrier.

389. Copyrights and Patents.—The exclusive control of copyrights and patents is given to Congress. Copyrights are secured through the Librarian of Congress, and give the exclusive right to print, publish, and sell the book or other production for twenty-eight years. A copyright may be extended for fourteen years if desired.

Applications for patents are made to the Commissioner of Patents. A patent gives the inventor the exclusive right to make and sell his invention for the period of seventeen years, with the privilege of seventeen years further extension (I 8).

390. Inferior Courts.—Congress has power to establish courts inferior to the Supreme Court. The courts are Appellate Courts, Circuit Courts, District Courts, the Court of Claims, the Court of the District of Columbia, Territorial Courts, and Consular Courts (I 9). See also (P).

391. Piracies.—Congress has the power to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations. It is right that these matters of admiralty and international law should be placed under the control of the National government(I 10).

392. War Powers. — Congress has the power to declare war (I 11), to raise and support armies (I 12), to provide and maintain a navy (I 13), and to make rules for the

government and regulation of the land and naval forces(I 14). Thus the security and defense of the country is amply provided for. The President is the Commander-in-chief of the army and navy of the United States. But he must look to Congress for the laws providing for the establishment and maintenance of the same. No appropriation of money for the support of an army can be made for a term longer than two years (I 12). Thus the President and Congress cannot long carry out a war policy which the people disapprove, for the next Congressional election would reverse it.

393. Army and Navy.— Although the President is Commander-in-chief, and has complete control of the army and navy of the United States, he never takes the field himself, but entrusts the direction and control to officers appointed by him, reserving only to himself the right to interpose in exceptional cases.

Man for man the army of the United States challenges comparison with any army in the world. It is in an excellent state of efficiency, and an American citizen has no cause to apologize for the personnel, courage, and discipline of the army of his country. Should an emergency arise, it will not be found wanting. It is, indeed, small as compared with the population of the country; but this is because it is purposely kept in the form which can be most rapidly changed into an organization for the field. It is much stronger in cavalry and artillery in proportion to the infantry than it would be for campaign purposes. This is because, were we to engage in war, it would take a comparatively short time to increase our infantry arm, but a much longer time to increase the cavalry and artillery branches of the line. In times of wars when the patriotism of the youth of the nation is aroused, there has never been

any difficulty in enlisting all the men that were needed for the emergency. The quite recent increase in the enlisted strength of the regular army is mainly for the purpose of complying with the requirement that each cavalry and infantry regiment shall have a detachment of machine-gun experts. The total strength of the different branches of the service is as follows: Total enlisted men in cavalry, 12,240; artillery corps, 328; coast artillery, 13,298, and torpedo companies, 527; field artillery, 4,012; infantry, 24,480; engineers, 1,282; additonal strength, 1,961. Total in the line of the army 58,128. The staff departments add 4,387, making a total of 62,515.

In addition to the regular army, Congress has power to call into service the militia or citizen-soldiery of the United States (I 15). In the broadest sense of the term, the militia comprises all the able-bodied male citizens of the States between the ages of eighteen and forty-five. The President cannot call them into active service for a longer period than nine months in any one year. The organized militia, termed the National Guard, consists of State troops trained by State officers, and may be called out by the Governor of the State whenever needed to assist the civil authorities in suppressing riots. The State militia may be called into the service of the United States, in which case it is subject to the orders of the President and is paid and cared for like the regular army (I 16).

The navy of the United States holds high place in the esteem of the American people. Our naval history is singularly free from incidents calculated to diminish admiration for this branch of the public service. The Revolution and the War of 1812 showed that our small navy was not below the greatest in the skill of its captains, the quality of

its ships, and the valor of its sailors. In modern times the navy has met every test with such success that no foreign critic is found to deny its equality, so far as individual efficiency of men, ships, and guns is concerned, with the navy of any other great power. In recent wars the record of the navy has been one of almost unbroken success. Our naval service has always been imbued with a high sense of loyalty to the constituted authorities of the country.

A navy is in an absolute sense an instrument of warfare, and is large or small only with reference to the strength of the enemy it may be called upon to encounter. The main thing to be sought is the keeping up of the efficiency of the various vessels as instruments of defense under the control of skilled officers and men. The navy at present has in line about thirty battleships of varying types, but of great efficiency. When the programme contemplated at present is carried out, the annual expenditures will be greatly increased. There will be many more battleships, thirty or forty armored cruisers, as many protected cruisers, and hundreds of smaller vessels. The annual expenditure at present is one hundred seventeen millions.

The effective naval strength of the United States in tonnage is about five hundred thousand tons; that of France about six hundred thousand tons; and of Great Britain, nominally, about three times as great as either. Many of her vessels are valueless. The oldest vessels of our battleship division are the veterans of the Spanish-American War, the *Oregon*, *Massachusetts*, *Indiana*, *Iowa*, and the *Texas*, still as formidable fighting-machines as they were at Santiago. Since that smoke-blown day, many great battleships have been made ready for service and put in commission. The present tendency as to the armament of the battleship

places dependence upon large guns of great caliber and long range; with a numerous battery of rapid-fire guns of small caliber used in repelling torpedo-boat attacks.

The officers of the army and navy are not subject to impeachment, but are tried before special military or naval courts called *courts-martial*, which are appointed for the purpose by the President of the United States.

The power to grant letters of marque and reprisal is vested in Congress. By this is meant the granting of authority whereby private persons are permitted to fit out privateers or armed vessels to prey upon an enemy's commerce. Such license ought never to be given.

394. The District of Columbia.—The Capital of the United States is the city of Washington, situated in the District of Columbia, at the head of navigation on the Potomac River. This Federal District was originally ten miles square, and was ceded to the United States by Maryland and Virginia. The part ceded by Virginia was returned to that State in 1845, and the area of the District is now only seventy square miles. The District is under the direct jurisdiction of Congress. The inhabitants have no representation in Congress, nor any rights of suffrage at local or National elections. The executive and judicial officers are appointed by the President, and Congress acts as the legislature of the District (I 17).

395. Implied Powers. — Congress is granted the power to make all laws which are necessary and proper for carrying into execution the powers that have been described above, and all other powers vested by the Constitution in the government of the United States, or in any department or officer of the government (I 18). It was impossible to enumerate every particular act which Congress

could perform; so, certain powers were expressly granted, and this general grant of power was added. It has been held that this clause confers no additional power; since, wherever the general power to do a thing is given, the particular powers necessary for doing it are included. This has been called the "elastic or sweeping clause," because it can be urged in defense of almost any action of Congress. Patrick Henry, who was a fierce critic of the Constitution and strongly opposed its adoption by Virginia, centered his objections about the single idea that, as it then stood, it seriously endangered the rights and liberties of the people of the several States.

The adoption of the Constitution was sufficient warrant to Congress in the use of all the means which were expressly *delegated powers* given by that instrument. But the need of a strong government soon gave rise to a theory, advanced by Hamilton, the doctrine of *implied powers*. This doctrine rests upon the idea that unless they are directly prohibited by the Constitution, all powers found necessary and proper for carrying out the powers specifically granted, are given to the government by implication. The power to do a thing includes the power to use the necessary means for doing it. While the doctrine of implied powers has never been entirely denied by any American statesman, great differences as to the extent of the application of the principle have given rise to the two great schools of political thought which have molded the policy of the nation and brought it to its present proud position to-day. In the cabinet of Washington, two great men were the exponents of these contrasting principles. Jefferson, the Secretary of State, believing that the government was one of delegated powers, endeavored to limit Congress as closely as possible to the

powers enumerated in the Constitution. The followers of Jefferson took their stand as advocates of the *strict construction* of the Constitution. On the other hand Hamilton, the Secretary of the Treasury, advocated the idea of a *broad construction*. In his view, the Constitution was to be interpreted as granting all powers that go to make up a strong and efficient government; not only those powers expressly indicated in the Constitution, but also those which should be found, as time unfolded, to be fairly and clearly implied in the objects for which the government was established.

Broadly speaking, the Republican party of to-day may be said to date back to Hamilton, while the Democratic party follows in the policy of Jefferson. Through their mutual control against excesses, these two principles of interpretation, *broad construction* and *strict construction*, have wrought for the good of the country. The one gave us a strong financial policy and the extension of the functions of government to all the great objects necessary to the creation of a vigorous and united Nation. The other prevented the Bank of the United States from becoming a vast political force, a menace to the liberties of the people, and gave us instead an independent treasury keeping its vast balances in its own vaults.

CHAPTER XXVII

POWERS DENIED TO CONGRESS AND THOSE DENIED TO STATES

396. The Slave-Trade.—At the time of the adoption of the Constitution, the majority of the members of the Convention were in favor of leaving Congress free to prohibit the importation of slaves. Laws prohibiting the foreign slave-trade had been passed by all the States except North Carolina, South Carolina, and Georgia. As it was desirable to bring as many States as possible into the Union, and very doubtful whether these States would agree to the Constitution were Congress left free to prohibit the slave-trade at once, it was at last agreed that the slave-trade should be left open for twenty years. A duty of ten dollars might be imposed on every slave imported.

At the earliest possible time Congress exercised its power for terminating the foreign slave-trade. The tax permitted was never imposed. A law was passed in 1807, to go into effect Jan. 1, 1808, making the importation of slaves unlawful. In 1820, the African slave-trade was declared piracy, and made punishable by death. The result of the Civil War was the abolition of slavery, and the thirteenth amendment has made this clause of historic value only (J 1).

397. Habeas Corpus.—The object of this clause (J 2) is to protect people from unjust imprisonment. Every person upon being arrested for alleged crime has the right to immediate hearing as to whether there is sufficient cause

for his detention or imprisonment. This right is enforced by a writ of *habeas corpus*, an order directing the officer who has the person in his custody to bring the *body* — the person—into court and to show cause for his detention. So important is this right, that it can be suspended only in cases of rebellion or invasion, when the public safety demands it (J 2). The writ takes its name from the words *habeas corpus*, "you may have the body," found in the old Latin form.

While stating that the writ of *habeas corpus* can be suspended only in times of rebellion or of invasion by a foreign army, when the public safety may require it, the Constitution does not specify who has the right to suspend this writ. In the early days of the Civil War, in order to successfully prosecute the war for the preservation of the Union, President Lincoln suspended the writ of *habeas corpus* by ordering military officers not to give up persons arrested on charges of disloyalty, even when judges issued the proper writs. Many strong Union men protested against this action, and declared that the President deliberately violated the Constitution. The truth is that no written frame of government could meet completely the terrible needs of a great civil war, and perhaps it was necessary to bend the Constitution to avoid breaking it. It is now agreed, however, that this power of suspension of the writ belongs to Congress alone. Even in the case of Lincoln's suspension of the writ of *habeas corpus*, Congress fully sustained him in the exercise of the power; for afterward a law was passed legalizing his acts and giving him power to continue such suspensions of the writ.

398. Bills of Attainder. — A bill of attainder is an act of the legislature by which the punishment of death or

outlawry is inflicted upon a person, without a trial. In English legislation the legal heirs could not inherit the estate of the attainted person, but it was forfeited to the Crown. Congress is expressly forbidden to pass any such bills (J 3).

An *ex post facto* law is literally one which is made after an act is done. But it is in fact a law that makes punishable as a crime, an act that was not criminal when done. Any law that increases the punishment of a crime after it has been committed, becomes also an *ex post facto* law as regards the punishment of the accused persons. If, for example, a law should be passed requiring all persons now charged with stealing, to be imprisoned for life, if found guilty, such law would be *ex post facto*; and the persons convicted could not be made to suffer its penalty, because the crime, when committed, was punishable by a shorter term of imprisonment. Congress cannot pass such laws (J 3).

399. Proportional Taxation. — If Congress levies any direct tax upon the people it must be proportional to the population. The census taken every tenth year enumerates the people. The taxes must be equal. A direct tax is one laid directly upon the people. A capitation tax or poll tax is a tax levied upon each head or person. It has recently been decided that a tax based upon incomes is a direct tax, and must be distributed among the States in proportion to their population (J 4).

400. Export Duties.—No export duties can be laid by Congress. No law for taxing exports could be devised which would operate equally upon the interests of the different States. In some States the chief product is grain; in others, cotton; and in others, manufactures. How could

Congress fix a just tax upon the several articles? When the tax of twenty cents per bushel was levied upon wheat, what would be the just tax upon a pound of cotton? Such problems would be impossible of adjustment among the representatives of the various States. The same clause also makes entirely free the internal trade and commerce of the country (J_5).

401. Impartial Commercial Laws.—Congress can pass no law giving a preference to the ports of one State over those of another. Vessels bound to or from one State cannot be obliged to enter, clear, or pay duties in another (J_6).

To *enter* a ship at a port is to notify the proper officers of her arrival, and to submit at the custom house the invoices of her cargo. To *clear* a ship at a custom house is to show and obtain the papers required by law, and to secure permission to leave the port.

All ships engaged in carrying goods and passengers between ports in the United States must be American ships, and these must be built in American ship-yards. Most of our foreign commerce is carried in foreign-built vessels, since both foreign and American ships may engage in such commerce, and ships are built for less money abroad than in the United States.

402. Appropriations. — No money shall be drawn from the treasury but in consequence of appropriations made by law. This clause places the control of the public money in the hands of the representatives of the people, and beyond the reach of the executive or any other officer. At the same time, if Congress becomes extravagant, the President can guard the people's money by vetoing all such bills. Congress, at every session, passes many appropria-

tion bills prepared with great attention to detail, and the annual expenditure of money for the expenses of the United States government amounts to many millions of dollars.

Every month a statement and account of the receipts and expenditures, and surplus on hand is issued. Such financial reports are made by the Secretary of the Treasury, and published by order of Congress, in order that the people may know for what purpose the public money is expended (J 7).

403. Titles of Nobility.—Any mere title of nobility could not add to the political power of any person under our Constitution; but, since it is proper that there should be equality of rank as well as of political rights, Congress is prohibited from granting titles of nobility. These would be out of character and corrupting in tendency in a republican country. It is further provided that no officer of the United States can, without the consent of Congress, accept any present, office, or title from any king, prince, or foreign state (J 8).

404. Powers Denied to the States.—The successful working of the National system of government renders it necessary that certain powers be denied to the States. No State can enter into any treaty, alliance, or confederation; coin money, issue paper money, or make anything but gold and siver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law interfering with contracts; or grant any title of nobility (K 1).

No State, without the consent of Congress, can lay any imposts or duties on imports or exports, except such as are necessary to pay the costs of inspection service (K 2). Nor can any State, without the consent of Congress, levy any tonnage tax on ships, keep troops or ships of war in time

of peace, or enter into any agreement or compact with another State or a foreign power. No State can engage in war, unless it is actually invaded or in such immediate danger of invasion as will not admit of delay (K_3).

Some of the prohibitions named above have also been placed upon Congress, and there can be no good reason, therefore, for granting the powers to the States. Uniformity in legislation is secured, and the States are prevented from exercising harmful power. The reasons for these prohibitions are manifest, and any extended remarks upon them unnecessary. A very famous law-suit, the Dartmouth College case, arose under that part of this clause (K_1) which forbids any State to pass a law impairing the obligation of contracts. In 1816 the legislature of New Hampshire passed an act to reorganize the college under a new charter, which would of course annul the charter previously granted by the State. The trustees, with Daniel Webster as counsel, appealed the case to the Supreme Court of the United States. Chief Justice Marshall delivered one of his great opinions in which he held that the college charter was a contract within the meaning of the Constitution, and that the acts of the legislature impaired this contract, and were therefore void. This decision brought every charter granted by a State within the scope of the Constitution, and extended the jurisdiction of the highest court more than any other judgment ever rendered by that court. Since then the precedent which it established has continued to exert an enormous influence.

CHAPTER XXVIII

THE EXECUTIVE POWER

405. The Necessity of an Executive Department.—A government in which the powers of making, executing, and applying the laws were united in a body of men, however numerous, would be little better than a despotism. There must be a separate and distinct power to execute the laws. Laws are made for the purpose of protecting the good, punishing offenders, and securing the peace and prosperity of the Nation. Under the Articles of Confederation there was no National executive; only a presiding officer of Congress. Feebleness of government could be the only result of such a condition of affairs. No men were better able to understand the need of the concentration of executive powers than were those who framed the Constitution of 1787. Convinced of the necessity of such an officer, these men looked at existing models as exemplified in the frames of government of the various commonwealths. There they found, in every case, a State executive balanced as a power against the State legislature. The establishment of a Federal executive, charged with the duty of securing obedience and enforcing the laws enacted by Congress, seemed the obvious course to pursue. The framers of the Constitution acted wisely in placing the Executive power in the hands of one person, because unity is favorable to prompt and energetic action. Discord and disagreement would follow divided responsibility, and frequent and

THE WHITE HOUSE

injurious delays would result. The Constitution, therefore, provides for the establishment of the Executive department, in which the one responsible head, with thousands of men as assistants to carry out the details, is able to make effective the body of laws which Congress has enacted for his guidance. The first and most important of all the duties of the Chief Executive is to see that the laws are faithfully executed (N).

406. The President of the United States. — The Executive power is vested in the President, who is the head and personal representative of the Nation (L_1). He represents the Nation as a whole, just as the Governor of the State represents the Commonwealth. He is simply the first citizen of a free nation, depending for his authority on neither title, nor official dress, nor insignia of office. The President is the only officer who is directly responsible to the Nation for the administration of the government. He is strong because his rights come straight from the people; and, in the highest sense, he represents the people no less than do the members of the two houses of Congress. The independence of his position, with nothing either to gain or to fear from Congress, should set him free to think only of the welfare of the Nation. If he fails to rise to this lofty plane of National duty, he sinks into the obscurity of the distributor of the spoils of office. Responsibilities make men serious; and those incident to the office of President of the United States of America have caused the manifestation of noble qualities by all our Presidents.

407. Qualifications.—The qualifications for the offices of President and Vice-President are the same (Am. 12). Foreign-born citizens are not eligible. The candidate for either office must have reached the age of thirty-five, and

must have been fourteen years a resident of the United States (L). A child born to American parents while abroad would be a natural-born citizen, provided the parents still retained their citizenship. Such person, so far as his birth is a factor, would be eligible to the Presidency.

408. Term of Office. — The term of office of both President and Vice-President is four years, and they are eligible to re-election. The term of office is sometimes considered too short to insure a due degree of independence, and to enable the President to carry out a system of public policy. However, an unusually popular or capable man may be elected for a second term. Although no provision in the Constitution prevents election to a third term as President, no person has ever held the office for a third term. The burden of responsibility is too heavy to be borne long, and Washington set the example of retiring at the close of the second term. Jefferson, undoubtedly, could have been chosen for a third term in 1808; but his refusal established a custom which has since been followed, although efforts were made in 1876 and in 1880 to secure a third term for Grant. The hero of Appomattox was an exceptionally popular man; and a principle maintained against him is not apt to be departed from for many elections to come.

409. The Presidential Electors. — The President and Vice-President are chosen by the Electoral College, which is composed of Presidential Electors chosen in the several States for that purpose. Each State is allowed to select a set of Presidential Electors equal in number to that of its Senators and Representatives together, and each Elector has one vote. No Senator or Representative, or person holding an office of trust or profit under the United States can be appointed a Presidential Elector (L_2).

Pennsylvania chooses thirty-four Electors; and the Electoral College of the United States consists of four hundred and eighty-three Electors.

Each State may appoint or choose its quota of Electors in whatever manner it sees fit. At first they were more often than otherwise chosen by the State legislatures, but now Presidential Electors are always elected by the people as a whole. The day of election must be the same in all the States (Law). The people elect the Presidential Electors on the Tuesday next after the first Monday of November, in the year of the Presidential election which occurs every fourth even year. The first election occurred in 1789, when Washington was unanimously chosen President. He was also the unanimous choice in the second election, that of 1792.

The people on election day were at first not supposed to be voting for a President and Vice-President, but for Presidential Electors. But since the election of Washington, the Electors have simply registered the result of the vote of the people. Soon after election day, long before the meeting of the Electors, we know who is to be the next President. The Electors are chosen to vote for specified candidates, and they do so.

410. Nomination of Presidential Candidates and Electors.—Under all governments which grant any considerable degree of freedom, political parties arise, differing in their ideas and seeking to control the policy of the nation. Naturally, each party organization in the United States desires to elect to the highest office a man chosen from its ranks, and thus secure the management of public affairs.

In the summer of the year before a President is to be

seated, each party organization meets in its National convention in some large city to nominate candidates for President and Vice-President, and to adopt a platform setting forth the principles upon which the party proposes to stand. These conventions are called by the National Committees. The conventions called by the Republican and Democratic parties consist of four delegates-at-large from each State, usually appointed in each State convention, and twice as many district delegates as the State has Congressmen. The district delegates are usually appointed in district conventions. Each Territory, as well as the District of Columbia, is entitled to six delegates. In the Republican national convention a majority vote for any candidate secures the nomination, but in the Democratic convention a two-thirds vote is required. National committees, consisting of one member from each State and Territory, are appointed by each of the great parties to conduct the political campaign for the election of the nominee of the party. The State delegates appoint the member of the National committee for their individual States, while the Presidential nominee of a party practically selects the chairman of the National committee of his party.

At the State convention of each political party, a ticket of Presidential Electors for that party is nominated. Thus, before the time arrives for the holding of the Presidential election, each party has nominated candidates for President and Vice-President, and has also named Presidential Electors in each State. Territories have no Electors.

On election day the people in all the States vote for Presidential Electors. The Electors receiving the highest number of votes in each State are declared elected. Formerly it was customary to choose most of the Electors by Congres-

sional districts, but now the Electors are chosen on a general State ticket, and thus the electoral vote becomes solid in each State. Occasionally, however, where the vote is close in a State, the effort of voters to "scratch" the ticket becomes manifest, and may divide the electoral vote of a State. Thus in 1892, Ohio gave twenty-two votes for Harrison and one for Cleveland, because the vote was so close; California gave eight for Cleveland and one for Harrison for the same reason. Oregon gave three votes for Harrison and one for Weaver, because one of the Electors on the Populist ticket was also on the Democratic ticket. Michigan gave nine votes for Harrison and five for Cleveland, because the State legislature allowed voting by Congressional districts. In North Dakota, two Populist Electors were chosen and one Republican; but one Populist exercised the freedom of choice which nominally the Presidential Electors have, and cast his vote for Cleveland. Although the divided electoral vote is unusual, it is under the present conditions not impossible that in some close election, enough Presidential Electors might be induced to vote for a candidate to whom they were not nominally pledged and thus defeat the will of the party that had chosen the majority of Electors. An amendment to the Constitution, covering this ground of danger, would make it impossible thus to defeat the will of the party rightfully entitled to the victory.

411. Meeting of the Electors.—On the second Monday in January following their election, the Presidential Electors meet in their respective States, usually at the State capital, and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves. Three distinct lists are made of all the persons voted for as President, and also the number of

votes each received. Three separate lists are also made of all the persons voted for as Vice-President, and the number of votes each received. These lists are signed, certified, and sealed. Three certificates or "returns" are made from the six lists, in order to insure the safe arrival of one, at least, at Washington. One return is deposited with the judge of the United States court of the district in which the Electors meet. The other two certificates or returns are sent to the President of the Senate at Washington, one by special messenger, and one by mail. The envelopes of all the certificates bear the address of the President of the Senate. If from any cause the messenger should fail to deliver his certificate, and the one sent by mail be lost, the President of the Senate may then send for the certificate deposited with the judge of the District Court. Whatever may have been the original intention in the establishment of the Electoral College, it has become simply the registering-machine of the popular vote. When the Electoral College has sent in its returns its duty is done and it ceases to exist.

412. Counting the Votes.—On the second Wednesday of February the President of the Senate, in the presence of the Senators and Representaves in joint convention assembled, opens the sealed certificates from all the States, and the votes are counted. The person having a majority of all the electoral votes for President is declared elected. Also the person having the majority of all the electoral votes cast for Vice President is declared elected (Am. 12).

In the method of voting (I, 2) in use until 1804, each Elector wrote down two names without stating which person he desired as President. The candidate who received the largest vote, provided it were a majority of the whole

number, was declared President; the candidate with the next largest number was declared Vice-President. As a natural result of this plan, Adams in 1797 became President; and his *antagonist*, Jefferson, became Vice-President. In 1801 it gave Jefferson and Burr the same number of votes, and threw the election into the House of Representatives.

By the twelfth amendment to the Constitution, declared in force in 1804, the present method was adopted.

413. Election by the House.—If no person has a majority of all the electoral votes, the House of Representatives proceeds immediately, by ballot, to choose a President from the three candidates receiving the highest number of electoral votes. In such election the voting is done *by States*, that is, each State has one vote. The vote of each State is determined by the majority of the Representatives of that State. When a vote for President is taken in the House of Representatives, two-thirds of all the States must be represented in order to have a quorum, and a majority of all the votes by States is necessary to a choice (Am. 12).

There have been two elections of a President by the House of Representatives. Thomas Jefferson was thus chosen in 1801, and John Quincy Adams in 1825. Both of these elections caused great excitement. In the second, the electoral votes had divided upon four candidates. Andrew Jackson had received 99 votes; John Quincy Adams, 84; William H. Crawford, 41; and Henry Clay, 37. When the election was thrown into the House of Representatives, Adams received the votes of thirteen States; Jackson, the votes of seven States; and Crawford, the votes of four States. John Quincy Adams, having received a majority of all the States, was declared elected.

If the House of Representatives, whenever the right of choice devolves upon them, shall fail to elect a President before March 4 following, then the Vice-President becomes President as in the case of the death, removal, or resignation of the President.

It is proper that under the circumstances of a failure of the Electoral College to elect a President, the choice should devolve upon the House of Representatives. The House is the direct representative of the people, and at any given time is politically in closer touch with the sentiment of the voters.

414. When the Senate may elect the Vice-President.—If there is no election of a Vice-President by a majority of the Presidential Electors, then, from the the two highest numbers on the list, the Senate proceeds to choose the Vice-President. Two-thirds of the whole number of Senators constitutes a quorum for such election; and a majority of the whole number is necessary to a choice.

The Senate is properly given the choice of its own presiding officer, and this also adds greater security. Had the House of Representatives the power to elect both President and Vice-President, a disagreement might cause the failure to elect either before inauguration day, and the country would have no Executive.

The only opportunity which the Senate has had to exercise this power was in 1837, when Richard M. Johnson was chosen Vice-President.

415. A Minority President.—A President who fails to receive a majority of the popular vote is called a "Minority President." Thus, in 1892, the total popular vote was 12,059,351, and a majority vote would have been 6,029,676 votes. But Cleveland received only 5,556,918 votes;

that is, 472,758 votes less than a majority. Yet the entire electoral vote was four hundred and forty-four, of which a majority was two hundred and twenty-three votes. Cleveland received two hundred and seventy-seven electoral votes, and was declared elected.

Minority Presidents have been numerous. John Quincy Adams, James K. Polk, Zachary Taylor, James Buchanan, Abraham Lincoln, Rutherford B. Hayes, James A. Garfield, Grover Cleveland, and Benjamin Harrison were minority Presidents.

The failure of the system of the Electoral College to register the popular verdict has suggested the changing of the method of electing a President. One such method would be to abolish the Electoral College, and to resort to direct popular vote without reference to State lines. But a serious objection to this method arises. Even now, in a closely contested election, the result may remain doubtful for some days while a narrow majority of a few hundred votes in some great pivotal State is being counted. It was so in 1884, when the State of New York cast its thirty-six electoral votes for Cleveland by the narrow margin of 1,047 votes out of a total of 1,100,000 votes. This period of doubt is a time of intense and dangerous excitement. In an election without reference to State lines, the result would more often be doubtful, and the chances for disputes be multiplied with demoralizing effect. The system of choice by Electors is doubtless clumsy and indirect, but the solidity of the electoral colleges of the several States is in reality a safeguard. The election has virtually become a choice by States; for the whole weight of each State is thrown into the scale of that candidate whose list of Electors is chosen in that State.

416. The Electoral Commission.—A serious dispute arose in 1876 concerning the conflicting returns sent in by two hostile sets of Electors in each of the States, Florida, Louisiana, and South Carolina; to which was added the question whether one of the Electors chosen in Oregon was disqualfied because he was a postmaster. In the absence of any recognized method of determining which ballots to count, the Republican and the Democratic parties in Congress agreed to submit the matter to an Electoral Commission composed of five Senators, five Representatives, and five Associate Justices of the Supreme Court of the United States. The Commission was appointed January 29, 1877. By a strict party vote of eight to seven the Commission decided that Hayes had received 185 electoral votes, and Tilden 184 electoral votes. This decision, given March 2, 1877, closed the gravest crisis which ever attended an electoral count so far as the nation was concerned. The patriotism of party leaders had settled peacefully a dangerous dispute which might have resulted in civil war. Thus Rutherford B. Hayes became President of the United States. In 1887 the whole question of conflicting returns was set at rest by an Act of Congress which provides that no electoral votes can be rejected in counting except by the concurrrent action of the two houses of Congress. In so far as the ascertainment of the Electors appointed by a State is concerned, the authorities of that State decide which group were chosen. The law is very explicit in the details of the meetings, and in regard to the joint meetings of the two houses, even provides where the members and officers of the Senate and House shall be seated.

417. Presidential Succession.—In case of the removal of the President from office, or of his death, resigna-

tion, or inability to discharge the duties of his office, the Vice-President becomes President (I, 3). Five times in our history the Vice-President has succeeded to the Presidency: John Tyler, upon the death of William H. Harrison in 1841; Millard Fillmore, upon the death of Zachary Taylor in 1850; Andrew Johnson, upon the death of Abraham Lincoln in 1865; Chester A. Arthur, upon the death of James A. Garfield in 1881; and Theodore Roosevelt, upon the death of William McKinley in 1901.

The Vice-President should perform the duties of the President in case of disability, but no Vice-President has ever yet assumed the duties of a President during the life-time of his disabled associate. Vice-President Arthur did not attempt the duties of President during the months through which President Garfield lingered to his death.

Congress has the power to provide for the further succession to the Presidency in case the office of President and that of Vice-President shall both become vacant (I, 3). It was formerly enacted that in such an event the President *pro tempore* of the Senate, and the Speaker of the House of Representatives should succeed to the office in the order named. There are several serious objections to this plan, and the law enacted by Congress in 1886 fixed a new order of succession to the Presidency. Should occasion ever arise demanding it, the following members of the Cabinet succeed in the order named: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General, Postmaster General, Secretary of the Navy, and the Secretary of the Interior. The office of the Secretary of Agriculture and that of the Secretary of Commerce and Labor were not created until after this law of succession was enacted, but these Cabinet officers have been placed in this historical order of succession by subsequent enactment.

418. Inauguration.—The day originally set for the inauguration of the first President was March 4, 1789, but Washington did not take the oath of office until April 30, 1789. Since that time every President has been inaugurated on March 4, excepting whenever the date has fallen on Sunday. This has occurred three times,—namely in 1821, 1849, and 1877, in which years the inauguration of the President took place on the fifth day of March.

On inauguration day, the Chief Justice of the United States administers to the President-elect the oath of office which is as follows: "I do solemnly swear (or affirm) that that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States." (L 7). On the same day the Vice-President is sworn into office in the Senate chamber, taking the same oath except that he promises to faithfully execute the office of Vice-President of the United States.

419. Salary of the President.—The salary of the President of the United States was formerly only $25,000, an amount inadequate to the demands made upon the President during his official life. At present the salary is $50,000, a sum which is very small compared with the amount paid to the rulers of other nations. No increase or decrease can be made in the salary of a President during the time for which he is elected. Nor can he receive, while President, any gift or emolument from the United States or from a State. But the President may accept presents from private individuals like any other citizen. The salary of the Vice-President is $12,000 a year (L 6).

420. The Executive Mansion.—The official residence of the President is the Executive Mansion, popularly known as the White House.

421. Powers and Duties.—The President is Commander-in-chief of the army and navy of the United States, and of the militia of the several States when it is called into the actual service of the United States. He has also the prerogative of granting reprieves and pardons for offences against the United States, except in case of impeachment (M 1).

He can make treaties with foreign powers provided two-thirds of the Senators present concur in the confirmation of the same. Subject to confirmation by the Senate, he appoints ambassadors, other public ministers, consuls, and the greater Federal officers—such as the heads of the executive departments—and judges of the Supreme Court. He also appoints all other officers of the United States whose appointment is not otherwise provided for by law (M 2). A great number of subordinate officers, such as certain postmasters and revenue officers, are appointed without the participation of the Senate. The executive business of the United States Government requires the services of over two hundred thousand persons. The President has the power to fill all vacancies which occur during the recess of the Senate by granting commissions which expire at the end of the next session (M 3).

He may summon either or both houses of Congress in extra session; and in case of disagreement between them with regard to the time of adjournment, he may adjourn them to such time as he may think proper, but not beyond the day fixed for the beginning of the next regular session. He may require from the members of his Cabinet at any time written opinions upon any subject concerning the duties of their respective offices. He commissions all officers of the United States, and receives ambassadors and other public ministers (N).

422. The President's Message.—In annual messages to Congress the President makes reports on the state of public affairs, and suggests such legislation as the needs of the country seem to him to require. He thus exerts an initiative power in reference to laws. Besides these annual messages, the President may at any time send to Congress a special message relating to matters which require immediate attention (N).

423. The President's Veto Power.—The President exercises legislative functions in which he is practically a distinct branch of the the Legislative power—a third house—but for negative purposes only. He signs or vetoes all bills and resolutions passed by Congress, except a resolution to adjourn. It has been decided also that his consent is not required to a Constitutional amendment. The President's veto power, as a means of guarding the country against unwise legislation, has proved to be one of the most valuable features of the Constitution. Under ordinary circumstances, this connection of the President with the Legislative power serves as a delicate balancing element of strength to the Nation. The strength of Congress consists in its power to pass laws; the strength of the President lies in his power to veto them. Yet in moments of great public danger, as in the Civil War, the President's power becomes immense. A loyal Congress, feeling the need of swift and oftentimes secret decisions, practically puts its law-making powers at the disposal of the President.

CHAPTER XXIX

THE CABINET: EXECUTIVE DEPARTMENTS

424. The Cabinet Officers.—The executive business of the Government cannot be performed by the President alone; hence to aid him in the discharge of his duties, he appoints a "Cabinet" by and with the consent of the Senate. There are eight cabinet officers, each in charge of a special department of the executive business. They are the private counselors or advisers of the President, and each is directly responsible to him for the management of a department. The members of the cabinet are:—

1. Secretary of State.
2. Secretary of the Treasury.
3. Secretary of War.
4. Attorney-General.
5. Postmaster-General.
6. Secretary of the Navy.
7. Secretary of the Interior.
8. Secretary of Agriculture.
9. Secretary of Commerce and Labor.

As a body the Cabinet has no legal existence. The meetings are held in the Executive Mansion, but no record of the proceedings is kept, and the President is not bound to follow the advice of the members. The individual members, as heads of executive departments, may also disregard the advice of the Cabinet and assume the responsibility of action.

The President and his Cabinet are sometimes known as the "Administration," a word also applied politically to the President's term of office.

425. The Secretary of State. — The first in rank among the cabinet officers is the Secretary of State. He is our minister of foreign affairs, that is, he has charge of all business between our own and other governments. He is the only officer authorized to communicate with other governments in the name of the President. He is the official head of the diplomatic and consular service, negotiates treaties, and issues instructions to our ambassadors and ministers abroad. The Secretary of State is the keeper of the Great Seal of the United States; in his department all civil commissions are made out, recorded, and sealed. He keeps the National archives, and superintends the publication of laws, treaties, and proclamations.

There are three Assistant Secretaries of State. The bureaus are: the Diplomatic Bureau; the Consular Bureau; Bureau of Rolls and Library; of Trade Relations; of Accounts; of Appointments; of Indexes and Archives; and of Passports.

426. The Secretary of the Treasury. — The cabinet officer who conducts the finances of the Nation is the Secretary of the Treasury. His department attends to the collection of the revenue, issues warrants for the payment of money from the Treasury, audits accounts of all the other departments of the government, and supervises the coinage of money and the printing of currency. It regulates the National banks, the custom houses, the life-saving service, and the marine hospitals. The National Board of Health is also under its control. In the Treasury department there are three Assistant Secretaries; six Auditors; the Treasurer of the United States, who receives and pays

THE TREASURY BUILDING

out all public money; the Register, whose name with that of the Treasurer is printed on all paper money; the Comptroller of the Currency, who supervises the National banks; the Commissioner of Internal Revenue; two Solicitors; a Comptroller of the Treasury; the Director of the Mint; and many other officers in charge of various branches of the enormous business. The department has charge of the building of post-offices, custom houses, and other government buildings. No man directly interested in trade or commerce can be appointed Secretary of the Treasury.

427. The Secretary of War.—The Secretary of War has charge of all business relating to the military affairs of the government. The department is divided into ten bureaus, each having charge of an important part of the work. Among the duties to which the officers attend are: the paying of troops; the securing of army supplies; the erection of forts; the improvement of rivers and harbors; and the publication of the official records. Many explorations have been made under the auspices of the department. The government of the Philippines is now under its supervision. Each bureau in the department is in charge of an army officer of high rank. The Adjutant-General issues the President's orders, conducts the military correspondence, issues military commissions, and keeps the record of the army. The Judge-Advocate-General reviews the findings of courts-martial, and is the legal adviser of the Secretary of War, who generally is not a soldier. Needed improvements in the management of the army and in the defenses of the country are recommended by the General Staff. This is composed of some of the ablest officers in the army, ranking from captains to Major-Generals, the member of highest rank being Chief of Staff. The ranking

general officer of the Line is now the Lieutenant-General.

The Military Academy at West Point is under the charge of the War Department. Each Senator, Representative, and Territorial delegate has the right to appoint one cadet to the Academy. The President appoints one for the District of Columbia, and also forty at large. Thus, in ordinary times, the commissioned officers of the army are supplied, graduates of the Academy receiving commissions as second lieutenants in the army. The course covers four years of rigid study and drill, and all necessary expenses are paid by the government. Candidates for appointment and entrance must be physically sound, possess good educational qualifications, and be between seventeen and twenty-two years of age. The pay of a cadet is $609.50 per year.

428. The Attorney-General.—This officer is the legal adviser of the President, and represents the United States in all suits at law in which the United States is a party. He gives his opinions on questions of law whenever requested to do so by the heads of departments. He is himself the official head of the Department of Justice. The Solicitor-General is his chief assistant, and seven Assistant Attorneys-general defend or prosecute suits in which the government of the United States is interested.

429. The Postmaster-General. — This officer is the head of the Post-office Department. He awards all postal contracts, establishes and discontinues post-offices, regulates mail-routes, the issue of stamps, the receipt of the revenue of the offices, and has general charge of the postal affairs of the Nation. He appoints all postmasters whose salaries do not exceed one thousand dollars a year. Postmasters who receive more than this amount are appointed by the President with the advice and consent of the Senate.

The principal subordinate officers of the department are the First, Second, Third, and Fourth Assistant Postmaster-generals. The first furnishes supplies to the post-offices, directs their business, fixes the salaries of postmasters, manages the dead-letter office, and attends to the money-order department. The second assistant has charge of the transportation of mails in the United States and to other countries. The third assistant has charge of the supplying of stamps and postal cards, the collection and paying out of money, and the care of registered mail matter. The fourth assistant supervises the appointment of postmasters and other persons in the postal service, and the free delivery of mail.

Postmasters are paid according to the amount of business done at their post-offices. There are four classes of postmasters and post-offices, graded according to the salary received. If his salary is less than one thousand dollars, he is a postmaster of the fourth class, and his office is a fourth-class post-office. The amount of his salary depends upon the value of the stamps cancelled at his office. A salary of over one thousand dollars and less than two thousand dollars, estimated on the value of the stamps sold at his office, ranks a postmaster as third-class. When the salary, similarily estimated, is between two and three thousand dollars, the postmaster and his office are second-class; while a salary of three thousand or over, puts the postmaster and his office in the first class.

The total number of post-offices in the United States is now 62,663. There are about one hundred fifty thousand persons employed by the department, — one-half of the whole number of persons in the civil service of the United States. The total expenditures of the department were

$190,238,288 in 1907, the receipts being about $6,653,000 less. The business of the Post-office Department extends over the entire country; and, through the Universal Postal Union, the foreign mail service has become very great and efficient. Letters are carried from one country to any other country connected with the Postal Union at the uniform rate of five cents for the first ounce or less, irrespective of the distance; and each additional ounce, three cents. Lower rates are allowed on mail for Cuba, Canada, Mexico, Panama, and Shanghai in China.

430. The Secretary of the Navy.—This officer executes the orders of the President relating to the naval establishment of the United States. The department is divided into eight bureaus, each in charge of an officer of the United States Navy. The work of the department is shown in the names of these bureaus: Bureau of Yards and Docks; of Equipment and Recruiting; of Navigation; of Ordnance; of Construction and Repair; of Steam-Engineering; of Supplies and Accounts; and of Medicine and Surgery. This department has charge of the Naval Observatory at Washington, and publishes the Nautical Almanac. Admiral George Dewey is now President of the General Naval Board. The school for the education of naval officers is the Naval Academy at Annapolis, and is under this department. The course of study covers six years, two of which are spent at sea. Candidates for appointment as midshipmen must be between sixteen and twenty years of age, physically sound, and must pass examination in the elementary branches and in certain higher studies. Expenses are borne by the government, and graduates are commissioned as ensigns in the navy. Each Senator, Representative, and Delegate appoints two midshipmen to the Academy. The President appoints

thirty at large, and two for the District of Columbia. Midshipmen receive $500 per annum.

431. The Secretary of the Interior. — The department has charge of a vast business of great interest to the public. It deals with all questions relating to public lands, Indian affairs, pensions, patents, education, and various other interests pertaining to the general welfare of the country. There are two Assistant Secretaries of the Interior. The chief officers of the first five bureaus are called Commissioners. The Commissioner of Pensions has charge of the granting of pensions, with an annual disbursement of $138,000,000 to about 967,000 pensioners.

The Commissioner of Education has charge of the general educational affairs of the Nation.

The Geological Survey forms a very important branch of this department. Its work pertains to the scientific surveys of the United States, the conduct of irrigation operations, and kindred matters, and is in charge of a Director.

432. The Secretary of Agriculture.—The Department of Agriculture collects and publishes useful information on this subject. The farmer may learn from this department how to protect his grain and fruit from destructive insects. He may also learn the cause and cure of the diseases which affect his domestic animals. The department furnishes information about soils, fertilizers, climate, seeds, and methods of cultivation. The Weather Bureau forms an important branch of this department. Notice of approaching storms is sent throughout the country, that vessels about to leave port may receive timely warning, and thus the risk of the destruction of life and property be avoided. Other important bureaus are: the Bureau of Animal Industry; of Plant Industry; of Soils; and of Forest-

ry. The Director of Experiment Stations, the Chemist, and the Entomologist are assistants in this department.

433. The Secretary of Commerce and Labor.—This department, organized in 1903, has for its function the promotion of the interests of American commerce, manufactures, mining, fisheries, and labor. The regulation of immigration, the work of the United States census, and the supervision of the coast survey belong to this department. The Census Bureau has recently been established as a permanent branch of the public service. The Constitution provides that the census shall be taken every ten years (C 3). Another very important bureau in this department is the Bureau of Corporations. This investigates all corporations engaged in interstate or foreign commerce; except railroads and steamship lines which transact such business under the supervision of the Interstate Commerce Commission. Other important bureaus are the Bureau of Standards, the Bureau of Statistics, and the Bureau of Immigration and Naturalization. Important officers are the Commissioner of Labor, the Commissioner of Fisheries, and the Superintendent of the Coast and Geodetic Survey.

434. Ambassadors, Ministers, and Consuls.—The diplomatic and consular service has for its duty the representation of the interests of the United States in foreign countries. In order to carry out the foreign policy of the President, to facilitate communication, to aid in negotiating treaties, and to protect the interests of American citizens abroad, the diplomatic service has been instituted. These officials represent our government in a political capacity. They are principally of two grades, ambassadors and ministers.

An ambassador is a diplomatic agent of the highest rank.

Diplomatic etiquette requires that the great powers send to us the same grade of minister that we send to them. The United States now sends ambassadors to ten countries: Great Britain, France, Germany, Italy, Russia, Austria, Mexico, Brazil, Japan, and Turkey. The salary received by ambassadors is usually $17,500. The social demands upon them are very great, and their expenses are often greater than their salaries.

A minister is a diplomatic agent of the United States charged with the same duties as an ambassador, but accredited to a country of less importance.

An ambassador represents the person of the ruler of the country from which he comes; a minister represents the government from which he comes, but not the personality of the executive. In the days when ministers were the highest representatives of the United States abroad, these officials were often kept waiting for audience under the rules of precedence in favor of ambassadors, applied in the case of the ambassador of some petty kingdom.

Ministers and ambassadors reside in the capitals of the countries to which they are sent. There are about forty officials of these higher grades in the diplomatic service at present. The charge d'affaires is a minister of an inferior grade accredited by the Secretary of State to the minister of foreign affairs of the country to which the agent is sent. The term is also applied to an official in charge until the accredited minister has assumed his duties.

The consular service has charge of our commercial interests abroad, and has nothing to do with diplomacy or politics. The United States government has consuls resident in all important foreign seaports. The duties of consuls are very numerous. They exercise protective care over

American seamen and shipping, and perform various important duties for Americans abroad. They administer oaths, take testimony, examine invoices of the cargoes of ships, and set forth the number and the condition of the seamen. They send to the State Department monthly reports concerning matters of commercial interest occurring at their stations.

Ambassadors and ministers are sent to countries, while consuls are sent only to cities. None of the officials of the diplomatic and consular service have a fixed term of office. It seldom lasts longer than four years, although it does not necessarily change with the administration.

The consular service has recently been much improved through a system of promoting efficient officers from one post to another.

435. The Civil Service Commission.—Whenever a change takes place in the political character of the Administration, changes also occur in the ranks of the office-holders. Political parties have long acted upon the principle, "To the victors belong the spoils." The appointive offices have been used as bribes and rewards for partizan purposes. To correct this wasteful and demoralizing "spoils system," Congress has passed an act enabling the President to appoint three Commissioners, only two of whom may be of the same party, to carry out the further provisions of the Civil Service of the United States. This Commission provides examinations whereby the fitness of applicants for public service is tested. In many of the departments the applicants for positions are required to pass these examinations, and appointments are made from those found qualified. In this way adherence to a political party has not much weight, and the public service is purified and vastly

improved. In 1908, out of 327,000 persons in the Civil Service, 184,178 were classified or subject to examination; 7,000 were subject to confirmation by the Senate, and 61,000 were country postmasters and clerks.

436. The Inter-State Commerce Commission. — A Commission consisting of five men appointed by the President was provided for by act of Congress in 1887. It is the duty of the Commissioners to investigate matters concerning violations of the Interstate Commerce laws passed by Congress: such as the regulations preventing unjust discrimination in freight and passenger rates; prohibiting the pooling of earnings or business; and requiring that locomotives and cars should be equipped with airbrakes and automatic couplers.

The railroad rate law of 1906 increases the membership of the Commission to *seven*, and greatly increases the powers granted. The salary of each member is placed at $10,000. The provisions of the act are extended to include persons or corporations engaged in the transportation of oil. The issuance of free transportation is restricted to employes and their families, and express companies are brought under the provisions relating to common carriers. The Commission has the power to fix a reasonable and just maximum rate, which shall remain in effect two years unless changed by the Commission or set aside by the courts as beyond the powers conferred. Enforcement of orders may be by injunction or by other mandatory order. Appeals may be taken to the Supreme Court of the United States. Contracts between carriers must be filed with the Commission, and all rebates and discriminations are absolutely prohibited. Persons offering or accepting rebates may be heavily fined, and imprisoned not more than two years.

437. The Librarian of Congress.—The Librarian of Congress is an independent officer, and reports directly to Congress. He has charge of the Congressional Library, which has 1,433,848 volumes and pamphlets and receives valuable additions yearly. The Librarian has duties in regard to copyrights; and the law requires the delivery of two complete copies of the best edition of every book to the Congressional Library not later than the day of publication. The Library Building near the Capitol is the finest of its kind in the world. The collection is now the largest in the Western Hemisphere, and the third in size in the world. This library is very rich in history, political science, official documents—National, State, and foreign—and in important files of newspapers, and original manuscripts, dealing with the colonial, Revolutionary, and formative periods of American history. Many of the rare books and manuscripts are exhibited in show-cases on the second floor of the Library Building. The Smithsonian collection is strong in scientific works, and includes the largest assemblage of the transactions of learned societies which exists in this country. The Library is supported by annual appropriations by Congress for various purposes, including the purchase of books. It is used primarily and essentially as a reference library, not as a lending library. Certain persons are entitled through statute law to draw books for home use. Among these are the President, Vice-President, Senators, Representatives, members of the Cabinet, Justices and Judges of the Federal Courts, Secretary of the Senate, Clerk of the House, Chaplains of the Houses, ex-Presidents of the United States, representatives at Washington of foreign governments, and a few others. The Library Building is open to the public all days of the year, excepting legal holidays.

438. Some Executive Functions: Division of Executive Power.—Within recent years executive functions have been given to bodies largely or even entirely independent of the various departments. The Interstate Commerce Commission, the Civil Service Commission, and the Library of Congress already noticed are cases in point. To these may be added the Government Printing Office, the Smithsonian Institution, the National Museum, the Bureau of Ethnology, the Bureau of American Republics, and very recently the Isthmian Canal Commission. The names applied to many of the officials are often misleading as to their importance. The growth of the country has brought about the necessity for greater and still greater division of the Executive power. For forty-six years after 1789, the work of the Bureau of Patents was in charge of the President and his Cabinet, who could not properly organize the business on account of the press of their other duties.

The operations of the Executive Department of the Federal government affect the welfare of nearly a hundred millions of people, and involve the annual expenditure of over half a billion of dollars. Responsibility for the efficient working of the great executive force rests on the President, but there must also be a division of labor. Washington began his administration with three members of the Cabinet: a Secretary of State, a Secretary of the Treasury, and a Secretary of War. As the work of government has grown, new executive departments have been formed and the number of cabinet officers increased.

CHAPTER XXX

THE JUDICIAL POWER

439. A Principal Feature. — The establishment of the Federal judiciary is one of the strongest and most important features of the Constitution of the United States, and no part of the government has contributed more to the peace and well-being of the country. "One of the vital defects of the old Confederation," says Judge Story, "was the lack of a Federal judiciary." Were the government obliged to depend upon the State courts for the enforcement of the laws of the United States, great inconvenience would arise. Any government that has a legislative body and an executive, must also have a judiciary to interpret and apply the laws. Hamilton, in expounding the Constitution, says: "The laws would be a dead letter without courts to enforce and apply them."

It was not the intention of the founders of the government that there should be any coalition of two co-ordinate and independent departments of the government. Hamilton said in *The Federalist*: "The general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the executive. For I agree that 'there is no liberty if the power of judging be not separated from the legislative and executive powers.' And it proves, in the last place, that as liberty can have nothing to fear from the judiciary alone, but would have everything to fear from

its union with either of the other departments; that, as all the effects of such a union must ensue from a dependence of the former on the latter, notwithstanding a nominal and apparent separation; that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches; and that, as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security."

440. Organization. — The Judicial power is vested in a Supreme Court, and in such inferior courts as Congress may ordain and establish (P). The United States courts, as created by the Constitution and perfected by the statutes of Congress, may be divided into four classes: The Supreme Court, which sits at Washington; the Circuit Courts of Appeals; the Circuit Courts; and the District Courts (I_9).

441. Jurisdiction.— The general jurisdiction of the United States courts covers the following classes of cases: All cases in law and equity arising under the Constitution, laws, or treaties of the United States, or out of conflicting grants of different States; all admiralty and maritime cases; all cases affecting ambassadors, other public ministers, and consuls; controversies in which the United States is a party; cases between two or more States; cases between a State and citizens of another State; cases between citizens of different States; and cases between a State, or citizens thereof, and foreign states, citizens, or subjects (Q_1).

All other cases are left to the State courts, from which there is no appeal to the Federal courts, except in certain specified cases.

The division of jurisdiction between the Supreme Court of the United States and the inferior Federal courts is determined principally by the size and importance of the cases.

442. Tenure of Office.—All judges of the United States courts are appointed by the President, with the advice and consent of the Senate, and hold office during life or good behaviour. Judges may be impeached, and if found guilty, removed from office. They may retire upon a pension, at the age of seventy or over, after having served continuously for ten years.

443. The Supreme Court.—The Supreme Court consists of a Chief Justice and eight Associate-Justices. It holds annual sessions in the city of Washington, beginning on the second Monday of October. The sessions are held in the Capitol, in the chamber formerly occupied by the Senate. A quorum consists of any six Justices of the court, and a decision of a quorum is a decision of the court. The Justices wear black gowns in court, and are almost the only public officers in the United States making use of an official dress. The salary of the Chief Justice is $13,000; and each of the Associate-Justices receives $12,500.

The Supreme Court of the United States is the most original of all American institutions, and is the greatest judicial power ever constituted by any nation. It stands at the head of all known tribunals, both by the nature of its rights, and the character of the parties which come under its control. The Supreme Court summons mighty States to its bar. When the clerk advances to the steps of the tribunal, and simply says: "The State of New York *versus* the State of Pennsylvania," it is impossible not to feel that the court which he addresses is no ordinary body. The power of the Supreme Court is enormous, but it is clothed

in the authority of public opinion. The court is the guardian of a people who respect the law. It has excited the admiration of the world, not only because it is the defender of the Constitution, but because of the ability and integrity of its judges. It has shown a strong disposition to perform its duties and render its opinions in accordance with the true meaning of the Constitution, and thus to be strictly representative of the people.

In all cases where a State or a foreign minister is a party the Supreme Court has original jurisdiction, while in all other cases it has appellate jurisdiction only. Any case which involves the Constitution of the United States can be taken to the Supreme Court, however small the amount in dispute (Q_2).

When the President of the United States is impeached the Chief Justice presides at the trial by the Senate (D_6).

444. Circuit Courts.—The United States, exclusive of the territories, is divided into nine circuits, each consisting of three or more States. The first circuit contains four States, the second three, the third three, the fourth five, and so on. Each of the nine Justices of the Supreme Court is presiding judge of a Circuit Court. In each circuit the presiding Justice is assisted by circuit judges. Five of the circuits have three judges each; but the fourth circuit has only two. The second, seventh, and eighth circuits have four each. The third circuit, consisting of Pennsylvania, New Jersey, and Delaware, has three judges. These judges of the Circuit Courts act quite independently of the justice, often holding court in one part of the circuit while the justice is holding a court in another part. There are at present twenty-nine judges of the Circuit Courts of the United States. The salary of a circuit judge is $7000. In practice

it is rare that a member of the Supreme Court sits as a circuit judge.

The Circuit Courts have only original jurisdiction. It includes all civil cases involving Federal law where the amount involved is at least $2000; also cases concerning patents, copyrights, or the revenue; cases brought by the United States against National banks; and cases where the rights of citizens are asserted against State laws.

445. Circuit Courts of Appeals.—The judges of each circuit and the Justice of the Supreme Court for the circuit constitute a Circuit Court of Appeals. As its name implies, its jurisdiction is appellate only. Its decisions are final in all cases which arise on account of the citizenship of the parties, and also in all cases under the Federal patent, revenue, admiralty, and criminal laws; and all other cases involving not more than $1000. These courts are expressly for the purpose of relieving the Supreme Court of a part of its business. The Court of Appeals of the third circuit is held in Philadelphia.

446. District Courts.—The nine circuits are divided into judicial districts, and in each of these there is a special district judge. Districts never cross State lines. Sometimes a State constitutes one district, but a populous State may be divided into two or three districts. Pennsylvania has three United States District Courts. The sessions of the Eastern district are held in Philadelphia; of the Middle district, in Harrisburg, Williamsport, and Scranton; of the Western district in Pittsburg and Erie. The number of districts in the United States at present is eighty, presided over by ninety judges. District Courts deal with the more common civil cases arising under United States law, and such crimes against the country as counterfeiting, robbing the mails, etc.

CHAMBER OF THE SUPREME COURT

District judges are not confined to their own districts, but occasionally exchange. A district judge may, when it facilitates the business, sit as a circuit judge. Beside the three districts of Pennsylvania, the third judicial circuit includes the district of New Jersey and the district of Delaware. In the trial of crimes against the laws of the United States, the jurisdiction of the District and the Circuit Courts is concurrent except in capital cases, in which the Circuit Courts have exclusive jurisdiction. The salary of a district judge is $6000.

447. The District Attorney and the Marshal.—Nearly every district has its own Federal district attorney, and a United States marshal, both appointed by the President. The former is the public prosecutor in behalf of the United States. The marshal is the ministerial officer of the Circuit and District Courts. He is, in fact, the Federal sheriff; and is entitled to call on all good citizens for help, should any occasion for it arise.

448. The Court of Claims.—The Court of Claims consists of five judges appointed by the President, and has jurisdiction over certain classes of claims made against the United States. If judgment is given against the government, Congress appropriates money for the settlement of the claim. The court holds its sessions in Washington, D. C.

449. Court of the District of Columbia: Territorial Courts.—The Courts of the District of Columbia and of the Territories are courts of the United States which bear the character of State courts and Federal courts united. The judges of these courts do not come within the constitutional provisions in regard to tenure of office. Congress, however, has provided that the judges of the Court of the District of Columbia shall hold office during good behavior as do the other judges of the Federal system. But

the term of office of a Territorial judge is fixed at four years.

The Court of the District of Columbia deals with the civil and criminal cases within the District. There are six judges on the bench of this court; and any one of these may hold a court with powers similar to those of district judges in the States.

The Territorial Courts are organized in a manner similar to that of the District of Columbia, but the number of judges is smaller. All of these judges are appointed by the President, by and with the consent of the Senate.

450. Consular Courts.—In certain foreign countries, United States consuls exercise judicial functions in settling disputes in which Americans are interested. This procedure is founded upon the assumption that in the country in which the consul is located, the laws are so imperfectly administered that the lives and property of American citizens could not safely be left to depend upon them. According to some treaties with civilized nations United States consuls have jurisdiction over disputes between masters, officers, and crews of National vessels, while in a foreign port, on questions of wages, shipment, and discharge of seamen.

451. Courts-Martial.—All cases arising in the military and naval service are tried in special courts called courts-martial. The militia, also, in time of war and public danger fall under the same rule. Such court has no jurisdiction over any citizen not employed in the military or naval service.

The court consists of a number of army or navy officers appointed to try the case; the officers being selected from that branch of the service which is concerned in the matter. The rule in regard to an indictment by a grand jury has no application in cases of court-martial.

452. Jury Trial: Place.—Trial by jury has been for centuries one of the most jealously guarded rights of the people. The Constitution expressly states that the trial of all crimes, except in cases of impeachment, shall be by jury (Q[1]). The accused person must be tried at the place where the crime was committed. This secures justice to the accused person, since he is tried among his friends and acquaintances and near the residence of his witnesses. These may readily attend the trial, so that he shall not be deprived of the testimony of any important witness.

453. Treason Defined.—Treason is a crime which is usually placed in a class by itself. Treason is an act committed by the citizen, in violation of the allegiance which binds him to the state. Other crimes assail the property or person of an individual, or a single public interest; but treason assails the state itself, and seeks to overthrow the government. The Constitution defines treason as consisting only in levying war against the United States, or adhering to their enemies, giving them aid and comfort. For the conviction of a person accused of treason there is required the testimony of at least two witnesses to the same overt act, or a confession in open court (R[1]). Congress has the power to make laws determining the punishment to be imposed for the crime of treason (R[2]). But the person who commits the treason must alone be punished; the relatives suffer no punishment, nor can their property be taken from them. The English common law made the sentence of death for treason affect the *blood* of the traitor. He could not transmit property to his heirs, and his estate was forfeited. Congress has passed a law that no conviction or judgment shall work corruption of blood, or any forfeiture of estate. There is therefore no forfeiture, even during the life of the person attainted.

CHAPTER XXXI

RELATIONS OF THE STATES

454. State Records.—The acts, records, and judicial proceedings of any State are respected in every other State so far as they can have application (S). Without this provision, a person against whom a judgment had been obtained might remove his property into another State, where the same could not be taken on execution without a new trial and judgment. A marriage or divorce in one State is a marriage or divorce in every other State, although neither marriage laws nor divorce laws are uniform.

455. Privileges of Citizens.— The citizens of each State are entitled to all the privileges and immunities of citizens of the several States. No State can make any law that shall grant a certain right to some citizens and deny the same right to others. A State may, however, prescribe a certain term of residence therein as a condition for voting at elections (T_1).

456. Fugitives from Justice: Extradition. — A person charged with crime, who shall flee from justice, and be found in another State, can be brought back for trial by means of a requisition. This is a written demand made by the governor of the State from which the person has fled to the governor of the State in which he is found, requiring the delivery of the prisoner to the proper officers, in order that he may be brought back for trial. The Constitution makes extradition between the individual States a duty (T_2). The Supreme Court of the United States has held that when

the demand is made in due form, it is the duty of the governor on whom the demand is made, to respond to it, and he has no moral right to refuse. Nevertheless, the governors of States have often refused compliance, when substantial justice did not seem to require it. No power has been conferred upon United States courts to compel compliance.

The power to surrender persons who have committed offences in a foreign country, and have fled to one of the States, belongs exclusively to the United States. In general the request for extradition, and the surrender of the person, are acts of high authority, and are made in a formal diplomatic way. Only the more serious crimes, amounting to felony at common law, are extraditable. Most countries refuse to surrender persons charged with political crimes. In general the surrender of a criminal is made only with the understanding that he is to be tried for the crime mentioned in the extradition papers, and for no other.

The class of persons to whom the third clause of this section applies (T³) no longer exists, and it has become inoperative. The clause was really intended for the benefit of the slave-holding States. The Fugitive Slave Law of 1850 was very similar to this clause. The operation of this law caused great indignation in the Northern States where freedom was believed to be the natural right of all men. Since any citizen was required by law to assist in catching and returning runaway slaves, if called upon to do so, the spectacle of a hunted fugitive sent back to lifelong captivity for no crime except that of being a black slave, brought home to the people the actual conditions of slavery. Under the fugitive slave laws of 1793 and 1850, a free negro who was suspected of being a fugitive could be arrested and his case decided without any chance for the cross-examination

of witnesses. In several instances free men, on false testimony, were thus delivered to claimants and sent into slavery.[1] Such acts, in a time of storm and stress, brought on the Civil War.

457. Territories: New States.—As the parts of the National domain have been settled, it has been divided into portions of various sizes, generally about the area of the larger States. These are Territories, and are governed under laws enacted by Congress. First, they have been given governors and judges by the President; then, as the population increased, they have been given legislatures, chosen by their own people, with the power to make laws subject to the approval of Congress. Finally, when the population has warranted the act, they have been admitted to the Union upon complete equality with the original thirteen States. The great National domain is thus a seed bed for the growth and development of new States. Congress has power to make all needful rules and regulations respecting the territory and other property of the United States (IV). In the erection of commonwealths, mistakes have been made by Congress. These should not be repeated. Extreme care should be exercised in the irrevocable step of State-making, nor would it be improper to establish a progressively higher standard of admission.

The Constitution provides that no new State shall be formed by the division of any State, nor by the junction of two or more States or parts of States, without the consent of Congress and the legislatures of the States concerned (IV). But the State of West Virginia was admitted during the Civil War without the consent of the mother State.

The organized Territories at present are Arizona, New Mexico, and Hawaii. Congress makes all the laws for the

government of such territory as the District of Alaska, while the President appoints the governor and other officers. Congress also determines the civil rights and political status of the native inhabitants of our Spanish possessions acquired at the close of the war with Spain. Accordingly, a modified form of territorial government has been created for Porto Rico and the Philippines. In each government the majority of the upper house of the legislature is appointed by the President, while the members of the lower house are chosen by the people. The governors and other important officers are appointed by the President. Representation at Washington is given by commissioners who do not, however, have seats in Congress as the Territorial delegates have. A just and orderly government for the Philippines is a difficult problem on account of the mixed population, ranging from head-hunting savages to highly civilized Spanish-speaking gentlemen.

Under the direction of the President, the Sulu Islands and Guam are governed by military and naval officers respectively. Tutuila is under a governor, and the Isthmian Canal Zone under a Commission, all appointed by the President.

What are the relations of the United States to Cuba? Congress has laid down certain bases as principles for the government of Cuba; the conditions have been accepted, and a republic formed, of which General Palma was chosen as the first president. The most important conditions are that Cuba must make no foreign agreements contrary to the interests of the United States; must not incur large debts; must keep forts relatively free from disease by proper sanitation; and must cede to the United States certain sites for naval stations.

458. Public Lands.—Soon after the close of the Revolution, various States ceded to the United States their claims to western lands. From this cession arose the duties of the administration of these public lands, and the organization of new States. It was decided by that body that the lands should be sold and the proceeds devoted to paying the National debt. An ordinance passed by Congress in 1785 prescribed the manner in which these lands should be surveyed. The general plan outlined in this bill has been carried out in detail by Congress in acts since passed by that body, and is applicable to all unorganized territory which has since come under the control of Congress. This plan for surveying and subdividing national lands was suggested by Thomas Jefferson, and is very simple. Such land is divided into townships six miles square by meridians and parallels of latitude. The meridians or *range lines* run due north and south, while others called *township lines* cross them at right angles. Then, by lines one mile apart, each township is divided into thirty-six sections. Each of these sections of land contains one square mile, or six hundred and forty acres. The sections are numbered from east to west and west to east consecutively, beginning in the northeast corner of the township with No. 1, and ending in the southeast corner with No. 36. Each section is divided into quarter-sections and sixteenth-sections.

The Ordinance of 1785 set apart and preserved section No. 16 in each township for the maintenance of public schools in that township. As this policy has since been followed in all laws concerning territory acquired by the United States, every State or Territory carved from the public lands has in every township one square mile of land devoted to free education. The title to such land is vested

in the State legislature, and the proceeds from its sale form a permanent school fund, the interest of which is paid to the individual townships for the support of their schools. Since the organization of Oregon Territory in 1848, section No. 36 has also been reserved for the school fund. Thus the schools of each of the newer Western States have a magnificent endowment consisting of the income from one-eighteenth of the land of the entire State.

The most famous legislation for the organization of the "Territory Northwest of the Ohio" was the Ordinance of 1787. It provided for the organization of government, and announced sound doctrines of civil liberty. Each citizen was entitled to writ of *habeas corpus* and trial by jury. No person was to be molested on account of his religious sentiments or his mode of worship. Neither slavery nor involuntary servitude, except as punishment for crime, was permitted. The Territory and the States formed from it were to remain forever a part of the United States. It stated that since religion, morality, and knowledge are necessary to good government, schools and the means of education should forever be encouraged. It is one of the wisest documents ever put forth by a deliberative assembly, and had great weight in shaping later organization of Territories. The Ordinance of 1787 was framed by the dying Congress of the Confederation. The glory of this Act of 1787 rests with it to offset its many trials and failures.

Under the Homestead Act of 1862, any citizen of the United States, or a person who has filed the declaration of intention, if over twenty-one years of age, may take up 160 acres of government land, and at the end of five years' residence get a title free of cost. Under the Pre-emption Act, the price of government land is $2.50, if it be within the

limits of land granted to railroads, or $1.25 if outside those limits. Most of the land, however, which can now be "homesteaded" or bought is barren or practically worthless without irrigation.

459. Republican Form of Government. — The United States guarantees to every State a republican form of government. The propriety of a power to prevent a State from changing its government to any other than a republican form is evident. As the individual States have surrendered to the United States the right to keep troops or ships of war in time of peace, it is just and right that a State, when invaded by a foreign enemy, or suffering from domestic violence, should be aided and protected by the Federal government (V).

During the great railroad strike in Chicago in 1894, the whole railway business of the region was practically suspended, and the orders of the United States Courts could not be enforced. The city and State governments were unable to keep order, and Governor Altgeld would not call for Federal aid. President Cleveland, however, made use of the only organized force equal to the case, and sent United States troops to prevent the obstruction of the mails and of interstate commerce. The governor claimed that the President should only have interfered on request made by him or by the legislature of Illinois. The decisions of the Supreme Court sustained the action of the President.

460. How the Constitution May be Amended.— Since all the future needs of the people could not be foreseen and provided for, it was anticipated that changes would be found necessary; provision was made, therefore, for the amendment of the Constitution. An amendment must first be proposed, and then ratified. There are two

different modes for proposing amendments, and two different modes of ratifying them (W).

An amendment may be proposed by two-thirds of both houses of Congress; or by a convention, called by Congress, on the application of the legislatures of two thirds of the States. The first method is the more direct and simple, and is the one that has always been followed.

Proposed in either of these ways, amendments, to become active parts of the Constitution, must be ratified by the legislatures of three fourths of the States, or by conventions in three fourths of the States. Congress determines which of the two ways shall be adopted. The first method is the simpler and more direct and has always been followed. Thus it has resulted that in the making of the entire fifteen amendments to the Constitution, all were proposed by Congress and ratified by the State legislatures. It is not likely that any other method will ever be used. The Supreme Court of the United States has decided that it is not necessary that amendments which have received the two-thirds vote of both houses of Congress should be sent to the President for his approval or disapproval. The thirteenth amendment, however, proclaimed in force Dec. 18, 1865, bears such an approval by the President.

The three exceptions to the power of amendment were the result of compromises made in the Convention of 1787. Two of them were caused by slavery, and are now simply of historical interest. The proviso that no State, without its consent, shall be deprived of its equal suffrage in the Senate, will never be changed. No State will ever consent to lose equal representation in the Senate.

The fact that the conditions of amendment are so difficult gives the government a stability of organization which it

otherwise would not have. While changes are not prevented, existing conditions cannot lightly be altered. There must be a great desire for a change on the part of the people, as shown by a two-thirds vote in Congress or State legislatures in proposing it, and the three-fourths vote in ratification. The clause granting the power of amendment is in many respects the most important one in the entire Constitution. The fundamental law is not supposed to be immutable. It constitutes a unit representing the determination of the whole people, and is no less binding upon the legislator than upon the individual citizen. It may be altered by the will of the people, according to established rules. The Constitution may vary, but as long as it exists in a given form, it is the origin of all authority and the sole vehicle of power.

461. Assumption of Public Debts. — The framers of the Constitution had no intention to repudiate any debts contracted previous to its adoption. The obligation of the general government to pay all debts contracted before its adoption is acknowledged (X1). The lack of power to raise money by taxation had been a source of weakness in the Confederation, and many debts had been incurred. The assumption of these debts, and the making of their payment compulsory on the new government, was an act of the greatest wisdom; for it served to allay the fears of public creditors, who thought that a change in the government would be understood as releasing the Nation from its obligations.

462. Supremacy of the Constitution. — The union of the States would be very unstable were not all State authorities bound by the Constitution, laws, and treaties of the United States (X2). The Nation is above any State;

and, if the laws and treaties made by the general government could be nullified by any State, the granting of power to make such laws and treaties would be ineffectual and valueless. But the doctrine of nullification has been overthrown. The Constitution and its amendments, with the laws and treaties, form the supreme law of the land.

463. Oath of Office: Religious Test.—Binding the conscience of public officers by oath or solemn affirmation, has long been considered effective in securing the faithful performance of their duties. All important United States and State officers are required to take oath or affirmation to support the Constitution. They are also generally required to swear to discharge the duties of their office to the best of their ability (X3).

No religious test can ever be required as a qualification for holding any office or public trust under the United States. The full enjoyment of religious liberty is secured to every citizen, and the introduction of any religious test is prohibited.

464. Compromises of the Constitution.—(1) The most difficult question which the framers of the Constitution were called upon to settle was that of representation in Congress. The small States insisted upon equality of representation,—a single house, with equal vote of the States. They feared that if the number of members in Congress assigned to each State were proportional to the population, a few of the larger States would be able to combine and control legislation. On the other hand the larger States were able to insist that their greater wealth and population entitled them to greater power in the government, and that they should not be exposed to the danger of undue taxation through a combination of the smaller States upon such

measures. The Virginia plan called for two houses with equal representation in both. A delegate from Connecticut suggested that in one branch—the Senate—the States should be equally represented by two Senators each; and in the other branch—the House—the number of Representatives should be proportioned to the population, and the people be thus directly represented. This idea was adopted July 5, 1787, and the first and most important compromise in the framing of the Constitution gave an *equal vote of States in the Senate and proportional representation in the House*.

(2) Soon after this agreement the question of assessing Federal direct taxes came up, and the members from the Northern States desired that in fixing the proportion for each State, negroes should be counted at their full numbers. This matter was compromised (July 12) by a vote that Representatives and direct taxes should both be apportioned counting slaves at only three-fifths of their actual numbers. The National government now levies no direct taxes, and the matter of representation of slaves was settled by the adoption of the three great amendments resulting from the Civil War. In the language of the fourteenth amendment: *Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.* (Am. 14)

(3) It was agreed that *Congress should have power to regulate foreign commerce*, but the Southern members had fears that navigation acts might be passed for the protection of American shipping, and freights on Southern exports be thus increased. A compromise (August 29) left Congress free to pass such acts by the usual majority, but *the slave trade was not to be prohibited before the year* [illegible]. Export taxes were prohibited.

(4) The determination of the relation of the States to the Federal government was a compromise although not so clearly expressed. The Convention at first voted that Congress should have the right to veto State laws. But a substitute clause was adopted (July 17) providing for *appeals to the Supreme Court of the United States, in case a State infringes on the National Constitution*.

465. "The Federalist."—It was during the time between the submission of the Constitution by the Convention of 1787, and its adoption by the several States that the celebrated series of papers known as "The Federalist" appeared. These are known to be the joint production of Alexander Hamilton, John Jay, and James Madison. To this day this series of essays defending the Constitution forms one of the wisest and best discussions of the great fundamental law. Those letters which analyzed the general powers of the government, expounded its details, and made clear its historical and theoretical foundations, were the work of James Madison. The general conceptions of government set forth in the Constitution, the defects of the Confederation, and many details of the new plan were set forth by Alexander Hamilton. John Jay discussed the advantages and fitness of the new government for dealing with the foreign relations of the States. These papers form the chief manual of all students and historians of the Constitution.

466. A Government of Checks and Balances.—The three great departments of the government of the United States—the Legislative, the Executive, and the Judicial—act in such way as to establish a government of checks and balances. Each is given power to defend itself against the encroachments of the other two, and each acts

as a check upon the others. No single department can make itself supreme. The President exercises important legislative powers in his veto, and judicial powers when he pardons. Congress, through the Senate, acts as an advisory council to the Chief Magistrate,—without its consent no important appointment can be made and no treaty ratified. The Supreme Court may declare a law unconstitutional, and thus exercise supreme legislative functions. Lastly, Congress, through the initiative in taxation exercised by the House of Representatives, has effectual control over abuse of the executive function by the President. The laws must be made for all alike, and there can be no safety for the people nor for their government unless equal and impartial justice marks at all times its administration. How wonderfully, in many critical days, does the Supreme Court illustrate the wisdom and inspiration of the men who founded the government of the United States!

467. Ratification of the Constitution.—The immediate ratification of the Constitution was not expected, but a Union of less than nine States was deemed inexpedient (Y). In less than one year after the framers of the Constitution had concluded their labors, nine States had ratified the Constitution. The other States ratified it later, the last State being Rhode Island in 1790, after proceedings under the Constitution had commenced.

THE SENATE CHAMBER

CHAPTER XXXII

THE AMENDMENTS

468. Desire for a Bill of Rights. — A summary of the rights and privileges claimed by a people is known as a Bill of Rights. A declaration of rights was presented by Parliament to William and Mary in 1689, and enacted after the prince and princess became the rulers of England. At the time of the adoption of the Constitution of the United States, one of the objections raised against it was the fact that it contained no Bill of Rights or statement of political principles and maxims. The framers of the Constitution had thought such declarations unnecessary. But several of the States, in ratifying the Constitution, expressed the desire that declarations and guarantees for certain rights should be added. Virginia, North Carolina, South Carolina, New York, Massachusetts, and New Hampshire all urged that amendments be made. The chief advocates of the Constitution in their several conventions had promnsed that changes would be possible; so that it was generally understood at the time of the ratification of the main instrument, that such addition as these amendments should be made. Hamilton, in urging upon the States the adoption of the Federal Constitution, argued that any amendments which might be desired by the people of the requisite number of States would be far more easy of attainment *after* the adoption of the Constitution than *before* such event. The fact that every amendment to an established Constitution would

be but a *single* proposition to be considered singly would aid in the facility of effecting an amendment. In the midst of his work for the adoption of the great instrument he writes: "A Nation without a National Government is an awful spectacle. The establishment of a Constitution, in time of profound peace, by the voluntary consent of a whole people, is a *prodigy*, to the completion of which I look forward with trembling anxiety."

469. A Wise Provision of the Constitution.—It is provided in the Constitution (V), that amendments may be proposed by Congress and then submitted to the States for ratification. The many amendments suggested at the time of the adoption of the Constitution were reduced by Congress to twelve at its first session. These had secured the requisite two-thirds vote in both houses, and were therefore sent out to the States for ratification. Eight of them echoed the phrases of Magna Charta, the Petition of Right, the Declaration of Independence, and of the Virginia Bill of Rights. Out of the long processes of English constitutional history, the precedents and practices of English courts and justice, the charters and ancient parliamentary protests, these principles set forth by Congress had come. They made secure the rights of individuals against the encroachment of Federal power.

Although Congress proposed *twelve* amendments, *ten* only of those then proposed received the necessary ratification by three-fourths of the States. Virginia, the last State necessary to make up the requisite number, ratified these amendments December 15, 1791. These ten amendments—adopted almost immediately after the Constitution—are often spoken of as a Bill of Rights. These ten amendments apply to the United States government

only, and are not restrictions upon the States; although the State constitutions generally have similar provisions to protect the rights of the people from the State governments. Some of the other amendments to the Constitution of the United States do, however, apply to the States.

Certain rights are essential to civil liberty, and so evidently just, that it is not conceivable that Congress would ever have passed laws directly violating these rights, even had not such express prohibition been placed upon such laws. (Am. 1)

470. Religious Freedom: Free Press and Free Speech.—Freedom in matters of religion, freedom of speech and of the press, all guaranteed in the first amendment, are very essential to civil liberty. This does not defend slander or libel, nor does the right of the people peaceably to assemble give countenance to public tumult and disorder. The right to petition the government for redress of grievances is also granted by the same amendment. There can be no *State Church*, as the Episcopal Church in England, the Presbyterian Church in Scotland, the Catholic in Austria, or the Greek Church in Russia.

471. Right to Bear Arms.—To deny the right of citizens to bear arms is a means employed by despotic rulers to enforce arbitrary government. Without such clause, ambitious men might, by the aid of the regular army, overthrow the liberties of the people. State laws forbid the carrying of concealed deadly weapons (Am. 2). Congress cannot pass laws forbidding the people to keep and bear arms. A well-regulated militia is necessary to the security of a free state, and the right to self-protection cannot be infringed. A government which trusts its citizens with freedom to keep and bear arms must pre-

serve its character for justice, and it may be partly for this purpose that the right has been formally acknowledged in the Constitution (Am. 2).

472. Rights of Householders. — The sending of soldiers to private houses and requiring that they be lodged and fed was once a common practice. This is one of the grievances set forth in the Declaration of Independence under the term *quartering of soldiers*. Congress must respect the home-rights of every citizen. In time of peace, soldiers cannot be quartered in any house without the consent of the owner; nor can this be done in time of war, save in a manner prescribed by law. To secure the people against such intrusion is the object of this prohibition (Am. 3).

473. Security of Person, Home, and Personal Effects.—It is provided that the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated. It is a principle of common law that *a man's house is his own castle*. There could be no security of this kind if every man could, on mere pretense or suspicion of injury, obtain a warrant for arresting his neighbor, or for searching his premises and seizing his property. It is proper that a magistrate shall not issue a *search warrant* unless it shall appear, by the oath of the complainant, that there is probable cause. Even then, the persons and things to be seized and the place to be searched must be particularly described. Otherwise, innocent men might be subjected to much trouble, and unjust suspicion thrown upon their characters. Every citizen has the right to demand the authority by which an official act is done. An officer, or other person, who searches a place or seizes a person

or things without a warrant, is guilty of a crime and can be punished (Am. 4).

474. Rights of Liberty and Life.— The rights set forth in the fifth amendment are *common law rights*, and are founded upon just principles. Grand juries, as to general object, have been described in paragraph 190. A grand jury in the courts of the United States consists of not less than sixteen nor more than twenty-three men, drawn by lot. While this article remains as part of the Constitution, no person can be tried in a Federal court for any serious offence without an indictment by a grand jury. But cases arising in the military and naval service, and in the militia in time of war, are tried in courts-martial without such an indictment. The army and navy could not enforce their needed discipline by such a system, as in those branches there is a necessity for prompt punishment of offences against military and naval rules. The fifth amendment further provides that after a fair and impartial trial and an acquittal, a person shall not be tried a second time for the same offence. Nor can the persons accused of crimes be compelled to testify against themselves, as many were once tortured into confession. No person can be deprived of life, liberty, or property by the United States government without due process of law. Private property cannot be taken for public uses without just compensation to the owners. The government may, however, exercise its right of *eminent domain* and compel an owner to accept an amount found as just compensation by commissioners appointed to estimate the value of the property (Am. 5).

475. Criminal Prosecutions.— Certain other provisions necessary to secure to every citizen the rights of

liberty and life are set forth in the sixth amendment. A person accused of crime has certainly a right to a speedy and public trial by an impartial jury. He has the right to be heard in self-defence or by counsel. In England, until recent times, the prisoner was not allowed to have a lawyer to help him make his defence. It is also essential to justice that the accused person should know the nature of the charges against him, that he may prepare his defence. He has also the right to be confronted by the witnesses against him; to compel by process of law the attendance of unwilling witnesses; and to have the assistance of counsel for his defence even if he is too poor to employ a lawyer, in which case one is appointed by the court (Am. 6). The lynching peril may be removed if courts of justice will secure prompt trial of the accused. This crime seriously endangers the rights and liberties of the people.

476. Suits at Common Law.—The seventh amendment refers to civil suits, or suits concerning property. The right to a trial by jury is granted wherever the value in controversy exceeds twenty dollars. In such suits at common law, however, where the amount involved is one hundred dollars or less, the cases are usually tried before a justice of the peace without a jury. The latter part of this clause states that if a fact tried before a jury in a lower court is carried to a higher court, the re-examination must be according to the rules of the common law (Am. 7).

477. Excessive Bail.—The object of bail and the manner in which it is given have been stated in paragraph 335. Without the restriction made in the eighth amendment, the sum might be made so high as to prevent per-

sons accused of crime from securing the necessary sureties; whereby innocent persons might be subjected to long imprisonment before the day of trial. It is therefore properly left to the court to fix the amount of bail, which should correspond to the degree of the offence. Courts have the same discretion as to the measure of fines and punishments. Cruel and unusual punishments are forbidden. Hanging although cruel was not unusual at the time of the adoption of the Constitution; and electrocution, although an unusual punishment, gives no evidence of being also a cruel punishment (Am. 8).

478. Reserved Rights.—There were persons who feared that, because the Constitution mentions certain rights as belonging to the people, those not mentioned might be considered as surrendered to the general government. An amendment was inserted to prevent such a misconstruction of the Constitution (Am. 9).

479. A Very Important Clause.—The tenth amendment is similar to the preceding, and sets forth that the powers which the Constitution has not given to the Federal government, nor prohibited the States from exercising, are reserved by the States or by the people. But, as may be seen in paragraph 395, the National government has certain implied powers in addition to those expressly given in the Constitution. Although there is nothing in the Constitution on the question of annexing territory, yet under Jefferson in 1803, Louisiana was purchased from France and promptly incorporated (Am. 10). During the Civil War, Congress and President Lincoln took action in many cases which seemed to them of doubtful constitutionality, while such actions were essential to the successful conclusion of the war. The Union must be pre-

served at all hazards. The Federal courts have held, in the case of officers whose important duties are strictly defined, that the authority to *do an act* carries with it the power to *use such means* as are necessary for the accomplishment of that *end*. And this amendment should be construed in that spirit.

480. Individuals Cannot Sue States in Federal Courts.—The eleventh amendment was proposed at the first session of the third Congress, March 5, 1794, and its ratification by the proper number of States was announced to Congress by a message January 8, 1798. This amendment prohibits a Federal court from trying any suit in law or equity commenced or prosecuted against one of the States by citizens of another State, or by citizens or subjects of any foreign country. This is intended to prevent a State from being sued in an original suit by a private person a citizen of another State. A suit may be brought in the courts of the State, but there is no way to compel payment of claims. Some States have taken advantage of this amendment to repudiate their bonds, and this article has prevented the owners from suing the States in the Federal courts.

In the case of Chisholm *vs.* The State of Georgia, the Supreme Court of the United States decided that any State might be sued in an original suit by a private person, the citizen of another State, or the citizen or subject of a foreign state. This decision, by which a sovereign State could be figuratively dragged into court by a private plaintiff, was so displeasing that the eleventh amendment (Am. 11) was passed by Congress in 1794; and, having received the vote of the requisite majority of the States, was declared ratified January 8, 1798. Under its

action, no State can now be sued by the individual citizen of another State, or the citizen or subject of a foreign state. This amendment denies the right of a citizen to sue a State without its own consent. Many State constitutions contain a clause setting forth the manner in which such States can be sued. All such cases are tried in the State courts, and not in the Federal courts.

Recently (1908) under this amendment a question has arisen that results in a situation of great interest to students of the Constitution. In an attempt to control the sale of intoxicating liquors, the State of South Carolina established State dispensaries, and practically went into the liquor business. It has since been sued for its liquor bills which it refuses to pay. Judge Pritchard decides that when a State engages in business not necessary to preserve its autonomy or sovereignty, it waives its rights under the eleventh amendment not to be sued without its consent. South Carolina serves notice that it will stand upon privilege, and the question will therefore go to the Supreme Court for final determination.

481. Choosing the President and Vice-President. —The twelfth amendment effects a change in the mode of election of the President and Vice-President (Am. 12) and is considered at length under Chapter XXVIII, "The Executive Power." This amendment was proposed by Congress in 1803, and ratified by the requisite number of States, according to public notice set forth by the Secretary of State, September 25, 1804. Since that time, now over one hundred years, no amendments have been made, nor very seriously proposed, except those made necessary by the result of the Civil War. These we shall now proceed to consider.

482. Abolition of Slavery. — The Emancipation Proclamation of President Lincoln, which went into effect January 1, 1863, abolished slavery in those States which were then in rebellion; but it did not affect the other slaveholding States:—Delaware, Maryland, Kentucky, Tennessee, Missouri, and parts of Louisiana and Virginia. The chief cause of the Civil War was slavery, and the conviction was reached throughout the country that this great evil should not survive the war. Men of imagination felt every moment of action dramatic, when on January 31, 1865, the House of Representatives agreed to this amendment; thus abolishing slavery in the very terms of the Wilmot proviso and the famous Ordinance of 1787, upon which so much bitter history had turned. This celebrated thirteenth amendment—the first change in the Constitution since 1804—was proposed by the Senate April 8, 1864; but, failing of the necessary two-thirds vote in the House, had been laid aside. But when, on that day in winter it came a second time to the vote, a deathly stillness reigned while the roll call proceeded. As it became evident that the needed majority was secured, the House broke through all restraint and joined in the shout of joy that arose from the crowded galleries. Men embraced one another, for the end so long desired had come. The amendment was to complete the work of emancipation and make the results of the war safe against reaction. When by oversight the amendment was sent to President Lincoln, and he returned it to the Senate with his approval, that body unanimously voted that the approval of the President was not necessary. The Senate did not notify the House of Representatives of the approval, and since that time no proposed amendment to the Constitution

has been submitted to a President. This great amendment, which was declared ratified December 18, 1865, abolished slavery throughout the Union, and gave the slaves the right to be freemen (Am. 13).

483. The Right of Citizenship.—The famous Dred Scott decision, given by the Supreme Court of the United States in 1857, affirmed that negroes were things, or chattels, with no rights which white men were bound to respect. The fourteenth amendment, officially declared to have been ratified by the necessary number of States July 28, 1868, reversed that decision and destroyed the distinction between whites and blacks as to citizenship. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. Chinese children born in this country are citizens, although Congress has forbidden Chinamen to be naturalized. Indians who maintain their tribal relations constitute an exception to the rule that birth within this country necessarily confers citizenship (Am. 14). Children born to foreign officials living in Washington would not be citizens, because not subject to the jurisdiction of the United States. The fourteenth amendment gave the negro civil rights. The Constitution of the United States provides that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States (T_1). Whatever a person may claim as of right under the Constitution and laws of the United States by virtue of his citizenship, is a *privilege* of a citizen of the United States. Thus a citizen may pass from State to State; may have the benefit of the postal laws; may vote if he comes within the conditions of suffrage; or may demand the protection of the

United States. Wherever the United States is charged with the duty of protecting citizens against harm, inconvenience, or deprivation, a citizen is entitled to an *immunity* from such hardship.

484. The Right of Suffrage.—Citizenship does not necessarily imply the right to vote. The thirteenth amendment gave the negroes freedom, and the fourteenth amendment granted citizenship, but the fifteenth amendment was required before they could gain the privilege of voting. The second section of the fourteenth amendment was a strong inducement to grant negroes the right to vote, but it did not render the grant imperative. The fifteenth amendment, bearing the date of March 30, 1870, compels all States to grant to negroes the right to vote. It declares that the right of citizens to vote shall not be abridged, either by the United States or by any State, on account of race, color, or previous condition of servitude (Am. 15). The States still possess the right to refuse the privilege of voting to certain classes of citizens, but cannot base this refusal upon these conditions. Notwithstanding all this the negroes, for a century and a half held in bondage, are still under many practical and legal disabilities. The force of the fourteenth amendment was weakened by a decision of the Supreme Court that the amendment was not intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States. In Massachusetts and some other States, Northern and Southern, an educational qualification is required of voters. But in the Southern States a peculiar clause, especially designed to prevent ignorant negroes from voting, sets forth that the educational qualification does not apply to persons whose

ancestors had the right to vote before negro suffrage began, and who register within a given time after the law was made. This ingenious device, found in several of the State constitutions, has been called the "grandfather clause."

Thus, in the constitutional work of reconstruction, three great amendments to the Federal Constitution were effected. The first of these amendments (Am. 13) declared the negro free forever; the second (Am. 14) made him a citizen; and the third (Am. 15) gave him the right to vote. He now has every right, every privilege, every opportunity which the law can give to any white man. When the Secretary of State in 1870 announced that the fifteenth amendment had been ratified, the constitutional work of reconstruction was completed. The sacrifices of the terrible Civil War had not been made in vain.

Thus through the wise provision for amendment (W) the Constitution has been brought more nearly into harmony with those foundation principles of right and justice which are able to secure the safety and happiness of the people. The men who framed the Constitution did not suppose that their work was perfect. They saw clearly that there would be growth in the nation—in wealth, in population, in culture and civilization, in developed industry and commerce, and through the addition of new States. So, as the years pass, still other changes will be made according to the statement set forth in the Declaration of Independence, "it is the right of the people to alter or abolish their form of government" and to institute new relations upon sound principles of action.

It is the people that make the Nation—not the Nation the people. Ours is a Federal Republic, and the essence

of our political system is in the Federal element. This Nation has grown great because it offers to the individual the widest liberty of action, consistent with the rights of others; and it has also left as much of government as possible in those repositories of power which are closest to the people. The institutions of this country are worth the price that was paid for them. A great war was the means whereby it was shown that the Union is not a confederacy of sovereign States, each able to secede at pleasure, but a Nation of people bound together by ties which cannot be dissolved. In the language of the Supreme Court of the United States (1868), the Civil War made this Nation "an indestructible Union of indestructible States." The unity of our political character began with our very resistence to organized oppression, when, as *United Colonies*, in the Revolutionary War we secured our liberties. We were the United States under the Confederation; and the name was perpetuated, and the Union rendered more perfect by the Federal Constitution. Under this instrument, the States severally have not retained their entire sovereignty. In becoming parts of a Nation, *not members of a league*, they surrendered some of their marks of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive legislative and judicial powers, were all functions of sovereign power. The Union makes the States for these functions and purposes no longer sovereign. The allegiance of the citizens of the States, in all such matters in the first instance, is transferred to the United States. As American citizens they owe obedience to the Constitution of the United States, and to all laws made in conformity with the powers it has vested in Congress. Secession, or the claim

that each State has the right to withdraw from the Union, died in the great civil conflict. The world has been shown that there is nothing stronger or more stable than what Lincoln called "government of the people, by the people, and for the people."

485. Constitutions a Growth. — Constitutions do not spring into existence at once, but are of slow growth representing the movement of public opinion through long periods of years. The struggles of the people are for the purpose of formulating that opinion. Our Federal Constitution is not alone the work of the great men who met at Philadelphia in 1787. They did, indeed, produce what Gladstone declared to be the most wonderful work ever struck off at a given time by the brain and purpose of man; but it is rather the fruitage of the seeds sown along the pathway of the English race from the shores of northern Germany to those of greater America. We may see the freedom-loving Germanic people living in their little *tuns*, amid the forest and marshes, and governing themselves by means of the town meeting—*the tungemot* —in which all freemen had voice. Then came the representative democracy of the county meeting or *shire-mot* along with the earlier pure democracy of the *tungemot*.

Amid the turmoil of the Danish invasions these principles may have been obscured at times, but became clear again in times of peace. When the feudalism of the Normans was established, the traditions of the people still kept the memory of these earlier liberties bright, and the Magna Charta compelled the kings to grant popular freedom in larger measure. In our study of history it will be seen that privileges once granted to the people cannot easily be withdrawn.

Many historians and students of civil institutions regard the Petition of Right, in the reign of Charles I, as of equal importance with the Great Charter. Certainly, it was a bold assertion of rights by the representatives of the people. It showed the confidence of Parliament in the righteousness of its cause, and the determination to oppose the *divine right* of kings and to establish the real rights of the people. In this school of action the lesson of the justice of resistance to oppression was learned. When the Revolution of 1688 gave England new rulers who accepted the crown under conditions, another victory for popular freedom was gained.

In the new world, the Virginia House of Burgesses is the first instance of popular government. The Mayflower Compact is the Constitution in embryo. The various Frames of Government—the "Great Law" and the "Charter of Privileges"—set forth the same strife for the freedom of the people.

The Declaration of Independence, one of the most noble of documents connected with the history of our country, was a strong bond of union and did much to hold the States together. No American who would know thoroughly the history of his country can afford to be ignorant of its contents. And the Articles of Confederation, when we consider fully the time in which they appeared, were a bond of union worthy of careful consideration. With all their weakness, a careful study of their character must always be of value

A review of the faults of the Articles of Confederation, as revealed in the experiences of the time of trial, will well prepare the student to begin the study of the Federal Constitution. The personnel of the Convention is worthy

WASHINGTON MONUMENT

of attention, and the work shows the greatness of the men who took part in framing the great instrument. It consists of many compromises in which no one obtained what he desired in every instance. These men were wise enough to see that there was room for diversity of opinion, and that in mutual concession something worth while could be accomplished.

And yet the Federal Constitution is not a fixed, unalterable thing, but has been undergoing changes ever since its adoption. Fifteen amendments have modified it very materially from what it was when the Convention closed. Great decisions rendered by the Supreme Court have given new life to its provisions. Political customs have in some cases taken the place of methods prescribed in the text. In the election of a President the Electors really carry out the will of the National convention of the successful party. But the force that keeps the mechanism of a party at work is public opinion, and the character of this opinion depends upon the quality of the work done by the several party conventions.

The saying of Gladstone that the Constitution of the United States is the most marvelous document ever struck off at a given moment by the brain of man is erroneous in its common acceptation at least. Taken broadly, it is doubtless true, but analytically it is misleading. Clause after clause in *verbatim* language was copied from colonial charters, and ideas and phraseology were selected from English and Dutch precedents. As it was a growth, an evolution, so the student of the history of government knows that innovations are not suddenly injected into law whenever some one person may desire them. By normal processes of progressive thought, by almost un-

conscious adaptation of mild improvements upon old ways, are new conditions recognized and means to meet them adopted. At last, so large is the progress, so definite the sum of the small and gradual betterments, that the people frankly agree to an open change in the *organic law* in order to comprehend and retain them.

486. Constitutional Convention of 1787.— The historian John Fiske says that the members of this Convention contained among themselves a greater amount of political sagacity than had ever before been brought together within the walls of a single room. The best and wisest men in the country were present. Washington was chosen president of the Convention. Among the ablest of the members were Benjamin Franklin, James Wilson, and Gouverneur Morris of Pennsylvania; Alexander Hamilton of New York; Oliver Ellsworth of Connecticut; Rufus King of Massachusetts; Charles C. Pinckney of South Carolina; and James Madison of Virginia.

487. Organization of the Government in 1789.— The first task which came upon the Congress of the United States in 1789 was the organization of the government. The fact that the organization to-day is essentially unchanged from that which was then established shows how well this work was done. Four of the executive departments were established: State, Treasury, War, and Justice. At the head of these departments Washington placed respectively Thomas Jefferson, Alexander Hamilton, Henry Knox, and Edmund Randolph. John Jay was appointed Chief Justice of the Supreme Court. In this connection the historical order of the establishment of the executive departments has value in the study of civics.

CHAPTER XXXIII

CIVICS AND HISTORY CO-ORDINATED

488. Current Events and Historical Data.—In the study of civics much advantage arises when the subject is co-ordinated with history and the proper consideration of current events. Many points of interest in such matters may be gleaned from the periodicals and newspapers of the day. The discussion of these points in the classroom will add much to the interest which the pupils will take in the subject of practical civics. Many of the topics in this chapter are given in the form shown in the various newspaper articles in which they appeared.

489. Settlement of Claims of Penn's Heirs.—In 1779 the Legislature of Pennsylvania voted $650,000 remuneration to the heirs of Penn in settlement of all claims, the money to be paid three years after peace was made with England. The sum eventually paid was $570,000. In 1790, the British government voted a pension of £4000 to the eldest male descendent of Penn's second wife in payment for the surrender of the lands. As late as 1884, this pension was commuted for the sum of £67,000.

490. Assumption of the State Debts and Location of the National Capital.—Two distinctly sectional acts of legislation were settled by a compromise which practically set off against each other the location of the National capital on the Potomac River, and the assumption of the State debts by the National government. In

due course of time the President selected the present site at Washington, D. C., and State debts amounting to $21,000,000 were assumed by the Federal government. It is said that Hamilton, as a Northern man, appealed to Jefferson, over whose dining table an agreement was reached that the Virginia members would vote for the assumption of the debts, if Hamilton would find the votes necessary to fix the National capital on the Potomac. By such compromise—it would be called "a deal" to-day—both measures were passed.

By a proclamation issued March 30, 1791, Washington announced that the Federal District had been located. The original cession was ten miles square, lying on both sides of the Potomac, about two-thirds being in Maryland and the remainder in Virginia. The portion lying in Virginia has since been restored to that State.

491. Historical Order of the Executive Departments.—The first executive department to be established was the Department of State—called at first the Department of Foreign Affairs. President Washington appointed Thomas Jefferson to this office in 1789.

An effort was made by Congress to make the head of the Treasury Department an agent of the Legislative branch of government, rather than an officer under the President. The difficulty, however, was overcome, and Alexander Hamilton became the first Secretary of the Treasury in 1789.

The War Department was also established in 1789 when Gen. Henry Knox, who had been head of the army, was called to the position of Secretary of War.

In the same year the President appointed Edmund Randolph Attorney-General of the United States. Washing-

ton also called Samuel Osgood to the office of Postmaster-General in 1789, but the incumbent of this office was not considered a member of the Cabinet until 1829.

The Navy Department was established in 1798, and President John Adams called Benjamin Stoddert to the position.

Half a century afterwards, in 1849, on the establishment of the Department of the Interior, President Taylor appointed Thomas Ewing to the position of Secretary of the Interior.

The first Secretary of Agriculture, Norman J. Colman, was appointed by President Cleveland in 1889. The latest cabinet position to be instituted is that of Secretary of Commerce and Labor. In 1903 George B. Cortelyou was appointed to this cabinet office by President Roosevelt.

492. The National Capitol.—The cornerstone of the Capitol was laid in 1793. The wings were first completed, and about $750,000 had been expended upon the building when it was partially destroyed by the British in 1814. Four years afterwards the work on the central part was begun, and improvements have been made until now it is one of the stateliest and most harmonious buildings in the world. Built of white marble, on a hill overlooking the city, it stands, indeed, as a beautiful and impressive structure. It is 751 feet long, 350 feet wide, and is surmounted by a dome 287 feet above the base, crowned by a figure of Liberty, twenty feet high. The original dome was of wood, covered with copper, but in 1856 the present structure of iron was begun. All through the Civil War the work on the dome steadily progressed, and in 1865 the structure was completed.

493. Monroe Doctrine.—This doctrine is based upon a declaration set forth in a message to Congress, in December 1823, approving the bill which recognized the independence of the South American republics. The essential principle declares that the American continents are not to be considered as subjects for future colonization by any European power. Also, that any effort to oppress the South American states or to control their destiny will be viewed as a manifestation of an unfriendly disposition toward the United States. This doctrine has ever since held a place in the diplomacy and in the political creed of the Nation. It is the National resolution to assert and maintain the leadership that nature and history have assigned to the United States on the Western Continent. It is in no sense a principle of international law.

494. Spoils System.—This is the practice of regarding public offices and their emoluments as so much plunder to be given to active partisans by those who are chosen to the greater administrative offices. Although Andrew Jackson in 1829 really meant to carry out his task of reform and remove no man from office without sufficient reason, he succeeded only in demoralizing the public service, since he took the advice of unscrupulous men intent only upon their own selfish ends. The practice antedates the day of that great hater of corporate greed and private advantage from public office.

495. Wilmot Proviso. — In the village graveyard near the town of his old home in Towanda, Pa., a modest marble headstone marks the final resting place of one of Pennsylvania's most able and heroic sons. On the inner face of the stone may be seen the date of his birth and death; and on the outer face, that may be seen from the

road as one passes by, we find the simple text of the Wilmot proviso:—

"*Provided*, that neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted."

When in August 1846, Congress had under consideration the appropriation of two millions "for the settlement of the boundary question with Mexico," this amendment passed the House, but failed in the Senate with the money vote itself. But the question raised could not be put out of sight, and at last was settled only in the throes of the Civil War.

496. That One-day President.—The assertion is sometimes made that on Sunday, March 4, 1849, Senator David Rice Atchison of Missouri, who was then President *pro tempore* of the Senate, was President of the United States, *virtually* for that day. He never was President virtually or otherwise. In 1793 Congress enacted that, in the event of no President or Vice-President being ready to succeed, the office should devolve upon the President of the Senate, and next on the Speaker of the House of Representatives. This law was changed in 1886. Now Zachary Taylor and Millard Fillmore were in Washington on March 4, 1849. It being Sunday, they permitted an interregnum to follow until the next day. Senator Atchison took no oath as President, and without taking such he could not exercise the office. Zachary Taylor could have taken the oath at any time after noon on March 4, 1849. No pompous inauguration is demanded; nor, indeed, is the Chief Justice needed to administer the oath. Chester A. Arthur took the oath of office before State Judge Brady, in New York, at two o'clock in the

morning. Theodore Roosevelt took the oath of office in Buffalo, before Judge Hazel of the United States courts.

At the psychological moment when the terms of office of Polk and Dallas expired, those of Taylor and Fillmore began, although the discharge of their duties awaited their taking the oath of office. The "virtuality" of Senator Atchison is visionary, unless by some sudden death the elected officials had been removed.

497. Dual Executive.—This was a plan whereby the power which the South originally possessed might be restored through an amendment to the Constitution. It was put forth—shortly before his death in 1850—by Calhoun, and provided for the election of one President from the free States and one from the slave States, thus forming a dual Executive. The consent of both was to be required to all acts of Congress before such legislation could become laws.

498. Powers of Congress to Establish Certain Courts: Court of Claims.—The establishment of the Court of Claims by Act of Congress February 24, 1855, illustrates the creative power of the Legislative branch of the government. The court originally consisted of three judges, appointed by the President, by consent of the Senate, to hold office during good behavior. Its jurisdiction extends to all claims founded upon any act of Congress, on any regulation of any executive department, or any contract, expressed or implied, with the Government of the United States, and all claims which might be referred to it by either of the houses of Congress. In cases where the amount in controversy exceeds $3,000, an appeal may be taken to the Supreme Court of the United States at any time within ninety days after judg-

ment has been rendered. Where the judgment or decree may affect a Constitutional question or furnish a precedent affecting a class of cases, the United States may take an appeal without regard to the amount in controversy. Claims must be filed within six years after the claim accrues, except in cases of disability. The court must hold one session annually, commencing on the first Monday in October. By act of March 3, 1863, the number of judges was increased to five, and a Chief-justice of the court chosen from the number. The jurisdiction was also somewhat extended. The court has served as a model for similar courts created in several commonwealths. Congress often refers to this court, for decisions upon disputed facts, the claims of paymasters, quartermasters, and other disbursing officers, as well as other claimants where the grounds of relief are not free from doubt. Congress makes appropriations to pay the awards rendered by this court.

499. Dred Scott Decision. — This celebrated decision was delivered by the Supreme Court of the United States in 1857 in the case of Scott, a negro slave living in the State of Missouri. His master took him to Illinois, and, after residing there for two years, removed to Minnesota—then a part of Upper Louisiana—one of the Territories. Two years later (1838), Scott's owner took him back to Missouri and sold him. Scott brought suit in the courts, and endeavored to obtain his liberty on the ground that his residence in free State and Territory had destroyed his master's rights over him. In course of appeal, the case reached the Supreme Court of the United States. The question at issue was mainly one of jurisdiction. "Was Dred Scott a citizen within the meaning of the Con-

stitution; had he any rightful standing in the courts?" To this question the Court returned a decided negative. Chief Justice Taney declared that, under the Constitution, "negroes have no rights which the white man is bound to respect." "It is absolutely certain," said he, "that the African race were not included under the name of citizens of a State by the framers of the Constitution." "Dred Scott was not a citizen of Missouri within the meaning of the Constitution, and was not as such entitled to sue in its courts." The legislation known as the Missouri Compromise, whereby citizens were prohibited from holding and owning slaves in the territory of the United States north of the line 36° 30′, was declared unconstitutional and void. "Therefore neither Dred Scott nor any of his family—his wife nor his daughters—were made free by being carried into this territory; even if they had been carried there with the idea of becoming permanent residents." But the abolition of slavery by the thirteenth amendment to the Constitution, ratified and adopted December 18, 1865, has put an end forever to such discussions.

500. Contraband of War.—When two nations are at war, their war ships may seize the private ships of friendly nations when caught carrying such goods to the ports of the enemy as would help to continue the war. Such articles are called "contraband of war," and include arms and ammunition. In May 1861, three negroes escaped from work on the Confederate lines, and made their way over to the Federal lines at Fortress Monroe. Gen. Butler, before whom they were brought, said, "These men are contraband of war: set them at work." Hence arose the name *contrabands* often applied to negroes received

within the Union lines throughout the great civil conflict.

501. Slavery Abolished in the District of Columbia.—Slavery was abolished in the District of Columbia when President Lincoln approved, April 16, 1862, the Act of Congress passed by the Senate by 26 to 6, and by the House 92 to 38. A bill prohibiting slavery in the Territories was passed June 19; and a bill giving freedom to escaped slaves of rebellious masters was passed July 17, 1862.

502. Thaddeus Stevens Nominated.—What cannot be said of any other man in history, can be said of Thaddeus Stevens. When he lay dead, he was, on the day following the arrival of his body, and within a few squares of his residence, unanimously renominated for Congress. If more poetic and less practical sections had such a hero, hallowed by such an incident, both the name and the fact would travel down the ages in song and story.

503. Lincoln's Views on Reconstruction. — On April 11, 1865, before a great multitude gathered about the White House, congratulating him upon the sure prospect of peace, he said these words,—his last public utterance:

"We all agree that the seceded States, so-called, are out of their proper practical relation with the Union, and that the sole object of the Government, civil and military, in regard to these States is to again get them into the proper practical relation. It is easier to do this without deciding or even considering whether these States have ever been out of the Union, than with it. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad."

504. Opening the House.—In the organization of the House of Representatives, the clerk, as the only officer holding over from one session to another, calls the House to order and presides until a Speaker is chosen. He appoints a committee of three to escort the newly elected officer to the chair. The oldest member in continuous service—the "father of the House"—then advances to the open space in front of the Speaker's desk, and administers to the Speaker the oath to uphold the Constitution and the laws. Then the Speaker administers the oath to the members of the House. The seats in the House are chosen in order assigned by lot.

505. Minority Representation.—This is the means whereby a minority party is given place in the composition of a board which from its nature should be non-partizan. The board of jury commissioners, and election boards are thus constituted. The lack of minority representation in State and National affairs produces very grave results. Many of the political evils might have been prevented during recent years, had the people of the State been able to utilize the reasonable precaution of minority representation. It may also be pointed out that many corporate iniquities, to which legitimate business interests have been unjustly submitted, and from whose evil effects the country has been suffering, might have been wholly prevented had there been some effective minority representation on their boards of directors. Cumulative voting is in some degree a remedy for the evils of majority rule in corporations; since the minority, by putting all its strength on a few candidates, can be practically certain of electing them. Under the plan of cumulative voting used in Michigan, each voter may cast as

many votes as there are candidates for office. The device of the *limited vote* is used in Pennsylvania in the election of some county officers. No person is allowed to vote for more than two of the three commissioners.

506. Prestige and Consulates.—In the Orient, the relative importance of a foreign nation popularly rests and depends upon the dignity surrounding the offices and residences of its official representatives. In places like Shanghai, China, it is essential that suitable buildings for the consular, judicial, postal, and other services be maintained. Where we must have courts, jails, post-offices, and other things incident to a regular government establishment, it is essential that they be adequately maintained or the prestige of the Nation will suffer. Its importance and strength will be estimated by the visible evidences of its power. Shanghai was the center of the boycott of American goods a short time ago. It is probable that the fact that the consulate building is in the least desirable part of the city, surrounded by large warehouses which make it practically impossible to see "Old Glory" from any great distance from the consulate, helped to make the boycotters think that the United States was not much of a Nation, and could be flouted with impunity. Bills have been introduced in Congress, and it is probable that some of the difficulties arising from such misconception of the relative importance of our Nation will be overcome through proper appropriations for buildings at Shanghai and other oriental posts.

507. Limitation of Corporations.—Whatever theory may prevail as to its desirability, increased National control and increased State regulation of corporations has come to stay. The solution of the problem as it is to-day

lies in arriving at some working arrangement as to the delimitation of jurisdiction whereby two authorities may be made concurrent, supplementary, and non-conflicting. Perhaps the only logical way would be to place in the hands of the Federal government larger power than it is now exercising in such matters. That is the only authority able to treat the subject in a broad and comprehensive way; and, because it is superior to the States, it can bring about the desired uniformity and order out of the present confusion. The impression is growing among all who have given the subject deep study, that the laws at present are antagonistic to the progressive spirit of the age, and creative of serious disturbances in commerce and trade. It is almost generally admitted that the railroads should be allowed, within certain limitations, to associate and combine their facilities; not only because that would enable them to serve the country better and cheaper, but because it would aid them to eliminate all secret practices which find their origin and excuse in competition. Thus, in a powerful way, would be promoted that open and square dealing which the law enjoins.

508. Single Tax. — A most radical tax reform in which it is proposed that all revenues, National, State, and local shall be raised from a single tax imposed on land. This tax is laid upon land as such, and not upon the improvements upon the land. The abolition of all taxes upon industry and the products of industry is advocated; and in place thereof, the taking, by a single tax upon land values, of the annual rental value of all those various forms of natural opportunities embraced under the general term land. The ethical argument for the single tax in the form of economic rent rests upon the theory

of natural rights. Since all men have equal right to life, and the use of land is essential to life, therefore all people have equal rights to the use of the land. When the exclusive possession of any particular piece of land acquires a value, that value rightfully belongs to all; because all have equal rights to the use of that superior land. For this reason the annual value should be taken as a single tax, and used to pay public expenses.

509. Standards of Value. — The use of both gold and silver as money is highly advantageous, and almost indispensable; but, since the relative value of the two metals does not remain constant, the use of a double standard of value becomes impracticable. Each metal has its independent sources of supply, and value varies with the changes in supply. Whenever two kinds of money of different valuation are thrown into the trade of a country together, the cheaper money will drive out the dearer money. If the government comes in to adjust the relations of the two metals, such interference disturbs the operations of trade. Were all commercial nations to adopt the double standard, an international congress would still be needed from time to time to adjust the relative values of the two metals

510. Coinage of the United States. — The gold coinage of the country consists of double eagles ($20), eagles ($10), $5 pieces and $2.50 pieces. Certificates are issued against gold held in the Treasury. The gold in circulation December 1, 1907, amounted to $640,577,952, and the gold certificates to $675,636,209.

Our silver coinage consists mainly of one-dollar pieces each containing 412½ grains of silver of nine-tenths fineness. These are receivable for all public dues, and are a

legal tender to an unlimited amount. They may be exchanged for silver certificates. The number of silver dollars in circulation, either in the coins or their representative certificates, amounts to $557,000,000.

The subsidiary silver coinage, consisting of half-dollars, quarter-dollars, and dimes, amounts to $133,000,000. These coins are legal tender to the amount of ten dollars. The government will exchange them for paper money in sums of twenty dollars or multiples of the same.

The minor coins, nickels and cents, are not legal tender for more than twenty-five cents; but these coins can be redeemed at the Treasury in sums or multiples of twenty dollars.

511. National Bank Notes.—Any National bank may issue notes up to the amount of its capital stock, provided government bonds equal to the amount of the notes be deposited as security. In case the bank fails to pay its notes, the Treasurer of the United States will sell the bonds and make payment from the proceeds. The aggregate capital of the National banks, December 1, 1907, was $904,494,775. The notes in circulation at that date amounted to $648,895,117. The banks pay a government tax of one per cent annually upon the amount issued. The National bank-note circulation is the largest single item in our paper currency.

512. Manufactures in the United States.—Fifteen billion of dollars ($15,000,000,000) represents the value of the annual production of manufactures in the United States, according to the last report of the Chief of the Bureau of Manufactures. The figures do not represent the value of the finished products entirely, but include products in various stages of progress. The aggregate

value of domestic merchandise exported was one billion, eight hundred fifty-four million dollars ($1,854,000,000) (1907).

513. National Receipts and Expenditures.—The total receipts of the National government for the year ending June 30, 1907, were $665,306,134. Of this amount $333,230,126 came from customs, and $270,309,388 from internal revenue. From the sales of public lands the income was $11,553,178, and from various other sources, $50,213,442. The total expenditures for the same year were $578,360,592. The excess of revenue over ordinary expenditures was therefore $86,945,542. Postal receipts are not included, as they are all used in maintaining the postal service. The total receipts, excluding loans, from the beginning of the United States Government, 1789, to 1907 have been $20,141,734,986. The total expenditures during the same period have been $20,165,498,696.

514. Our Civic Duty.—In an address recently delivered by Mayor Guthrie of Pittsburg he pointed out the duties that devolve upon the citizens and officials of that great community. "A city beautiful, in my eyes, is a city which is immune from disease and vice; a city where moral and intellectual education is cared for, and where young lives are not unnecessarily crushed; a city where we must work with a sense of the moral responsibility which rests upon us."

515. Law and Equity.—The distinction between *law* and *equity* is quite important. According to Alexander Hamilton, as expressed in *The Federalist*, the great and primary use of equity is to give relief in extraordinary cases which are exceptions to general rules. Thus, a court of equity can give relief against hard bargains. Such are

all contracts in which, though there may have been no direct fraud or deceit sufficient to make them invalid in a court of law, yet some undue advantage may have been taken of the necessities and misfortunes of one of the parties concerned, which a court of equity or natural justice would not tolerate. In Pennsylvania there is no separate court of chancery—equity—but the common courts have equity jurisdiction.

516. Panama Canal.—This great canal will extend across the Isthmus of Panama from Colon, on the Atlantic coast, to Panama, on the Pacific. From a National point of view the completion of this canal will be invaluable, as it will give water communication between the coasts of the two great oceans, and will place our island possessions, in point of communications, several thousand miles nearer the seat of government than they now are. Mahan, a distinguished naval officer, says that the Isthmus, with all that depends upon it,—its canal and its approaches on either hand,—will link the eastern side of the American continent to the western as no network of land communications ever can. The United States has already asserted a special interest in it; and in the present she can maintain her claim, and in the future perform her duty, only by the creation of sea-power sufficient to hold predominance in the Caribbean Sea. The logical outcome of the broadening and tightening hold upon the sentiment of American democracy of that principle known as the Monroe Doctrine is the rehabilitation of the Nation as a great sea-power, notwithstanding the opposition of those who wish peace without paying the price which alone has ever insured peace,—readiness for war.

The action of President Roosevelt, in recognizing the independence of the Republic of Panama November 13, 1903, when he received its minister, has led to very important relations. A treaty between the United States and the Republic of Panama, in effect February 26, 1904, provides for the cession by Panama of a strip of territory ten miles in width extending to the distance of five miles on each side of the central line of the route of the Panama Canal. This grant does not, however, include the cities of Panama and Colon, although they are within these boundaries. The United States controls all islands within the zone, and four small islands in the Bay of Panama.

Since the putting forth of the Monroe Doctrine, Americans have insisted upon control of an Isthmian Canal, whether at Nicaragua or at Panama. International questions have often been raised, and several generations have waited to see what is now being witnessed. At Paris, on April 22, 1904, the Panama Canal Company transferred its rights to the United States in consideration of $40,000,000 paid by warrant of the Secretary of the Treasury. The Republic of Panama received $10,000,000.

The work on the Panama Canal is making fair progress, and the entire expenditures to June 30, 1907, amount to $100,489,816. Col. George W. Goethals, Chairman of the Canal Commission, says that the Panama Canal will be open for business January 1, 1915.

517. New Star in the Flag.—Washington, D. C., November 16, 1907.—"A new star was added to the American flag to-day by the formal admission into the Union of the State of Oklahoma. President Roosevelt at 10:16 o'clock this morning signed the proclamation admitting the Territories of Oklahoma and Indian Terri-

tory jointly as the forty-sixth State of the Union." The new star will not actually be added to the flag until July 4, 1908.

In appending his signature to the proclamation, the President used a pen formed from a quill plucked from the wing of an American eagle. The pen has been deposited with the Historical Society of the new State.

The proclamation contains a preamble, reciting, in a number of "whereases" that Congress prescribed certain conditions for the joint statehood of Oklahoma and Indian Territory; that such conditions have been fulfilled, and that it appears that the government of the proposed State is republican in form, and in accordance with the Constitution of the United States and the Declaration of Independence. The proclamation then says:

"Therefore, I, Theodore Roosevelt, President of the United States of America, do, in accordance with the provisions of the said Act of Congress of June 16, 1906, declare and announce that the result of said election, wherein the constitution formed as aforesaid, was submitted to the people of the proposed State of Oklahoma for ratification or rejection, was that the said constitution was ratified, together with a provision for State-wide prohibition, separately submitted at the said election, and that the State of Oklahoma is to be deemed admitted by Congress into the Union, under and by virtue of said act, on an equal footing with the original States."

The State of Oklahoma has an area of 70,430 square miles, and 1,500,000 inhabitants. The area is greater than that of New England. The population is six times as great and the wealth fifty times that claimed by any other new State at the time of admission into the Union. The

State has 6,000 miles of railroad within its borders. Oklahoma City, the largest town, has 45,000 inhabitants, and is only fifteen years old.

518. Hamilton's "Report on Public Credit."—Alexander Hamilton, the first Secretary of the Treasury, did more to shape the financial policy of the Federal government than any other man. He was a man of great genius, the intimate friend of Washington and had the clearest vision of the principles upon which this Nation was to be founded. One of the strongest constructive forces in the cabinet of Washington, he established the public credit on a firm basis. His report on the "Public Credit" laid the cornerstone of American finance under the Constitution. He was a constructive statesman, a deviser of successful measures, a framer of public policies rather than a popular orator or a leader of men. For this reason he has never, perhaps, held the high place in popular estimation to which his great services to this country entitled him. No man, except Washington or Lincoln, is more worthy of a statue in the National capital.

519. Chief Justice Marshall and President Jefferson.—During the trial of Aaron Burr for treason there developed the spectacle of open antagonism between the President of the United States and the Chief Justice. This culminated in the issue by the Chief Justice to President Jefferson of a subpoena to appear and produce certain papers. The President produced the papers, but refused to appear. Marshall received a large amount of criticism, but adhered to his interpretation of treason as defined in the Constitution, and the jury rendered a verdict of not guilty under the influence of the opinion of the Chief Justice on the law in the case. Burr, however, disappeared

from public view; and died in poverty and neglect in 1836.

520. Of the Duty of the Prosecuting Attorney.—Speaking in words which made for liberty the world over, a great judge of this country, one of the greatest in the English-speaking world, John Bannister Gibson, said: "The prosecuting attorney at the railing of the jury box stands not as the avenger of blood, not as a persecutor; but he stands for the rights of the accused as much as for the rights of the Commonwealth."

521. Congress as a City Council.—In so far as the National capital is concerned, Congress is the *city council* of Washington, D. C. An instance in point is shown in the recent approval by Congress of a bill authorizing universal street car transfers in the capital city. Such bills are carefully prepared by the Commissioners of the District of Columbia; and are then submitted by the president of the board of commissioners, for enactment by Congress.

522. The Civil War and its Issues.—The two main issues of the Civil War were the doctrine of Slavery and that of State Rights. Opposition to the supremacy of the National government led to the secession of South Carolina and other States in 1860-61. The famous Ordinance of 1787 came in time to place bounds upon slavery in this country, and was one of the agencies which finally led to its abolition. It was passed when the western boundary of the United States was the Mississippi River, when Florida was Spanish territory, and the lands west of the Mississippi had been sold by France to Spain. The act virtually divided freedom and slavery by a geographical line—the Ohio River and the Mason and Dixon Line. In

1787, slavery had almost disappeared north of that line. The efforts to keep the two sections of the country balancing on the parallel 36° 30′ date from the passage of the Ordinance, and were continued until 1850. The Missouri Compromise of 1820 gave temporary harmony; but slavery was becoming a National question in which pro-slavery men wished to extend slavery over the United States, while anti-slavery men wished to abolish it. Soon after the Mexican War, the question of the right of Congress to prohibit slavery in the Territories became a National issue. Until 1855, twenty new States had been admitted into the Union—ten with constitutions permitting, and ten forbidding slavery. When the Territory of Kansas was ready for admission as a State, its people could not agree upon the question of slavery. The Supreme Court decided, in the famous Dred Scott case, that the Missouri Compromise was unconstitutional, and that Congress had no power to exclude slavery from the Territories. But this decision could not settle the slavery question. The struggle in Kansas forced on the inevitable contest which determined "whether this Nation could exist half slave and half free." Secession followed, and the formation of the Southern Confederacy was accomplished. President Lincoln, recognizing that the struggle was essentially between freedom and slavery, issued the Emancipation Proclamation to be effective Jan. 1, 1863. Slavery was afterward abolished in all the States and Territories by the ratification of the thirteenth amendment.

No formal declaration of war was made by President Lincoln; but the call for troops to get repossession of the property and fortresses seized by the Confederates, was an effectual declaration of war against Jefferson Davis and his sympathizers.

523. Victory of Manila.—In the harbor of Manila, on the morning of May 1, 1898, one of the most remarkable naval victories in the history of the world was won by an American squadron under Commodore George Dewey, now the Admiral of the navy. When war began between the United States and Spain, Commodore Dewey was at Hong Kong, China, in command of the Asiatic squadron. He was at once ordered to sail to the Philippines, and capture or destroy the Spanish fleet at Manila. As he sailed out of the bay at Hong Kong, the signal sent out to the fleet was: "Keep cool and obey orders."

A little before midnight on the 30th of April, the *Olympia,* as flagship, led the American vessels in single file past the forts at the entrance of the bay of Manila. All the lights on the vessels were hidden, and the ships passed on unseen by the Spaniards, until the soot in the smoke-stack of one of the vessels caught fire. The guns of the Spanish batteries were instantly turned upon the fleet, but no injury was done.

As day broke on the morning of May 1, 1898, Dewey found the entire Spanish fleet drawn up under the protection of the Cavité batteries about nine miles from the city of Manila. Admiral Patricio Montojo, one of the ablest Spanish officers, was in command. About five o'clock, the *Olympia* leading, the American fleet bore down upon the Spanish. Amid the muffled roar of submarine mines, exploded too hastily by the Spaniards, the American fleet passed on until the quiet command of Dewey to the captain of the *Olympia* came: "You may fire when ready, Gridley." Five times, in single file, the American fleet passed and repassed the Spanish vessels, pouring in deadly broadsides with the wonderful marksmanship of the

American gunners. At the end of two hours, nearly every ship of the Spanish fleet had either been sunk or set on fire.

This victory led to the acquisition of the entire Philippine group of islands by the United States. These were the most important colonial possessions of Spain, form one of the largest groups in the world, and are so rich and beautiful that they are called the "Pearls of the Ocean."

524. Circulating Medium.—The money in circulation; coin, and notes and bills current for coin. The entire circulating medium of the United States amounts to more than $3,000,000,000, of which $2,772,956,455 is in circulation. The percentage of gold is 41.9 of the entire circulation. The Currency Act of 1900 requires that all United States money be kept at parity with the gold dollar.

525. Merit System in the Consular Service.—The question of the improvement of the diplomatic service abroad deserves careful and systematic consideration. It cannot be said that the consular service has been neglected during late years, for many material reforms have been instituted. Consular appointments are no longer regarded as political rewards to be handed over to persons unfitted by education, training, and habits of life for the duties entrusted to them. The merit system has been instituted, and provides a fairly effective test for persons desiring to enter the service. At the same time much still remains to be done in order to raise the character of the service, and to render it attractive to competent men. Proper legislation should place the service on a par with the army and navy as regards the permanence of positions and the conditions under which they are to

be obtained. Mere transients assuming consular positions make poor officials. The service must be made worth while, and must afford opportunities such as are offered by the professions. Then there will be no difficulty in securing the right kind of men to represent this country, and care for our commercial and other interests the world over.

526. United States Commissioners. — The committing magistrates of the Federal District Courts are the United States commissioners appointed by each district judge in various parts of his district. Persons arrested for crimes against the United States are brought before these commissioners, and if the evidence warrants holding the prisoners for court, they are sent to jail or admitted to bail until they can be brought to trial. These commissioners occupy a relative position in the Federal judicial system similar to that of the petty courts of the judiciaries of the several States. Commissioners are appointed by the judges of the Circuit Courts, and in such numbers as the courts may consider necessary to the transaction of the business, and to the performance of the duties imposed. The appointment of a commissioner must be recorded in the court, and the Attorney-General be notified. Commissioners hold office during four years, but are subject to removal at any time by the court. They are paid by fees which are prescribed by law. They are authorized to administer oaths and to issue warrants for offenses against the United States, to cause offenders to be arrested and imprisoned or bailed for trial, and to order the removal of offenders to other districts. Complaints of the violation of the Chinese exclusion law are heard before United States commissioners, and the commissioner before whom the complaint shall be heard is

designated by the United States District Attorney for the district.

527. "Father of the Constitution."—James Madison, the fourth President of the United States, was born at Port Conway, Va., in 1751. In the Constitutional Convention of 1787 he was a leading figure, though, being secretary of the Convention, he did not take a conspicuous place in the debate. On account of his services, he was afterward called the "Father of the Constitution." As a contributor to *The Federalist*, with Jay and Hamilton, he did much to secure the ratification of the Constitution by the States, especially New York and Virginia. When Jefferson became President in 1801, Madison was called to the position of Secretary of State. In 1809 he was chosen President, and at the close of his term retired to his estate at Montpelier, Va., where he maintained a strong influence upon his party and political events in general. His wife, familiarly called "Dolly Madison," was perhaps the most popular mistress that the White House has ever known.

528. Distribution of Powers.—Certain powers belong exclusively to the Federal government, and are so given by the Constitution. Thus the framers of that instrument gave to the central government absolute control over the following matters: — war, peace, treaties, alliances, ambassadors, postal affairs, the army and navy, foreign commerce, interstate commerce, naturalization, coinage of money, Indian affairs, patents, copyrights, bankruptcy, territories, letters of marque and reprisal.

By an amendment adopted in 1791 (Am. 10), it was declared that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States,

are reserved to the States respectively, or to the people.

But if the Federal government and the State governments are to work in harmony, certain powers must not be given exclusively to either, but powers of the same kind must be granted to both. Powers belonging to both governments are called *concurrent*. Those established by the Constitution relate to the following matters:—taxation, public debt, citizenship, suffrage, elections, militia, and eminent domain.

In order to safeguard the interests of the States, certain powers were formally prohibited to the Federal government. Thus the first eight amendments restrain the Federal government but do not restrain the States. Certain powers are denied to the Federal government in Article I, Section 9, (J).

The framers of the Constitution saw also that certain limitations upon the power of the States would be valuable. As a pledge of good faith on the part of the States, a self-denying section, Article I, Section 10, was inserted (K).

As will be seen there are three prohibitions upon both State and Federal governments: neither a State nor the United States can grant any title of nobility (J_8, K_1); or pass an *ex post facto law* (J_3, K_1); or pass any bill of attainder (J_3, K_1). These cannot possibly be done by any existing governmental agency.

529. Democracy against Tradition.—There was practically but one issue in the Presidential campaign of 1828. It was a strife between democracy and traditional policy. A change of twenty-six thousand votes in Pennsylvania would have given John Quincy Adams the vote of this State, and the election. Andrew Jackson carried

every Southern and Western State, and received 647,231 popular votes against 509,097 for Adams. "A new king had risen up over Egypt, which knew not Joseph." A positive and forceful character could alone win the admiration of the people of the growing, thriving, bustling, eager communities of the West. John Quincy Adams, though one of the best Presidents the country has ever seen, was not a popular one. A widespread notion prevailed that there was danger of the formation of an aristocracy, and it was believed that Jackson represented the people, and had been unjustly set aside when Adams was chosen by the House of Representatives. Andrew Jackson was carried into office on a wave of popular enthusiasm.

530. Relation of the United States to Immigration.—The thirteen colonies which asserted their independence and compelled England after a long war to recognize it, were chiefly populated by men of the English race, immigrants from England and the lowlands of Scotland. These people were in an overwhelming majority in all the colonies, and especially in New England. Of kindred race with the predominant English were the strong, vigorous Dutch who founded the colony of New York. In the eighteenth century there was an immigration of Huguenots to the various colonies, and these men were of admirable quality. There was also a considerable immigration of Germans from the Palatinate, and of Scotch-Irish from the north of Ireland. The Germans and Scotch-Irish settled chiefly in Pennsylvania, Virginia, and North Carolina. They were robust men, and were a most worthy addition to the population. Speaking broadly, the thirteen colonies at the time of the Revolution had an

overwhelming majority of inhabitants who were English-speaking or who came from related stocks. These were the men who fought in the Revolution, and who adopted the Constitution. Our political institutions and our governments, State and National, were founded by and for these people and in accordance with their ideals and their traditions. They were a homogeneous people, and the institutions which they established were essentially their own, were thoroughly understood by them, and suited them in every respect. The soundness of the political system which they founded has been demonstrated by more than one hundred years of existence, and by the glorious record of the manner in which its perils have been triumphantly surmounted.

But there have been many changes in the immigration. After the great famine in Ireland (1845-6), large numbers of immigrants came to the United States from all parts of the island, but these people presented no difficulties of assimilation, and were a valuable addition to the population. Later came Germans and Scandinavians whose blending with the people of the United States was merely the reunion of kindred stocks. Then came French-Canadians, a valuable element, but these have been, in a broad sense, Americans for generations, and their coming to the United States was merely a movement of Americans from one part of America to another.

But within the past twenty years there has been a great change in the proportion of the various nationalities emigrating from Europe to America. The growth in recent years in our immigration has been from Italy, Poland, Hungary, and Russia, from subjects of the Sultan, and is now extending to Asia Minor. With the exception of the

Italians, these people have never been amalgamated with the races which have built up the United States.

The only restrictive legislation in regard to immigration into the United States relates to Mongolians. All the rest of such legislation, although somewhat restrictive in effect, is purely selective in character. The criminal, the diseased, all laborers under contract, and all "assisted immigrants" are excluded. There is a growing and active demand for more restrictive legislation.

531. Great Naval Base at Pearl Harbor.—Pearl Harbor, Hawaii, is beyond question one of the best, if not the best, natural harbor in the world. It has a depth of water of over sixty feet and an area of over ten square miles, and is capable of floating the combined navies of the world. It is not only land-locked, but, by reason of the topography of the surrounding ground, ships lying in this harbor are out of view from the open sea. It is the only really good site for a naval base in the Pacific ocean, and is the recognized key to naval supremacy in those waters. Its equipment as an operating base is essential to the most successful operation of our fleets whether offensive or defensive.

For over sixty-six years the United States government has recognized the strategic importance of the Hawaiian Islands and the necessity of preventing their occupation by any other nation. In 1842, President Tyler gave notice to all European nations that the United States would never consent to their occupying Hawaii or establishing any naval base there. This "Monroe doctrine of the Pacific" was reiterated by Daniel Webster, as Secretary of State, in 1851, by William L. Marcy, by James G. Blaine, and by William McKinley.

Ten years ago, this country, foreseeing that these islands might fall into the hands of an Oriental nation, annexed the Hawaiian Islands. This action was taken primarily because of the strategic value of the islands, and for the purpose of establishing a strong naval base at Pearl Harbor. This naval base is not designed simply to protect Hawaii; its main purpose is to form a buffer of defense for our whole Pacific coast, and to make possible our naval supremacy in that ocean. The equipment of Pearl Harbor is a matter of National prudence. It affords the least expensive way of defending our Pacific coast, and will be one of the strongest factors in the prevention of war with any power in the Orient. The question of a naval base in Hawaii is not comparable with the same problem elsewhere. Hawaii is both a permanent and organic part of our Nation, and a source of revenue also. The Federal Treasury receives over one million dollars annually from this source. Every consideration of National honor and policy demands that this great defensive outpost at Hawaii be made impregnable and equipped as a naval base at the earliest convenient time.

By a strange destiny, American feet have been placed in the Hawaiian Islands, in the Aleutian Islands, in Alaska, in Panama, in Samoa, in Guam, and in the Philippines. This great Nation, the one mighty nation of peace, now spreads out over the whole Pacific. The Hawaiian Islands form the center of a large circle whose radius is the distance from Honolulu to San Francisco. Shut out from these islands as a base, an enemy would be thrown back for supplies of fuel to distances of about four thousand miles—an impediment to maritime operations almost prohibitive. It is rarely that so important a factor in the de-

THE NAVAL BASE AT PEARL HARBOR

fense of a sea-frontier is concentrated in a single position, and this Nation must rise to its opportunity and make Pearl Harbor the greatest naval base in the world.

532. Powers Under the Constitution.—Chief Justice John Marshall has been called, by an eminent jurist, "a second author of the Constitution." This estimate of this greatest judge in our history was made, not simply because he was a great lawyer, but because he was a statesman of high order interpreting the Constitution in accord with the deepest needs and purposes of the Nation. Marshall has defined *implied* powers as those that are necessary to carry into effect those that are expressly *delegated* or granted by the Constitution. Thomas Jefferson —strange as it may seem—gave the *loose construction* of the Constitution its broadest application in the purchase of Louisiana without authority specifically expressed in the Constitution. When this vast extent of territory, 800,000 square miles, fell to the new republic, perpetual union was assured. And the party of *strict construction* had done the act, and thus had committed itself to a broad interpretation of the Constitution and a liberal conception of the Nation's greatness and destiny. The right to annex territory was afterwards upheld by the Supreme Court. Daniel Webster, speaking words of praise of the military power of England, uttered a truth which is fast becoming applicable to the younger branch of the great English race: "A power which has dotted over the surface of the whole globe with her possessions and military posts; whose morning drumbeat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."

533. The Power of the Speaker. — When Henry Clay, at the age of thirty-four, was chosen Speaker of the House of Representatives in 1811, a new order of political energy came into action. Eloquent, fervid, and full of zeal for American dignity and honor, he could have no feeling of colonialism or of inferiority to foreign powers. Clay organized the committees of the House on an aggressive basis, and the young and vigorous men of the party prepared for war. Clay was the first Speaker to make use of his position materially to influence legislation. He was the first of modern Speakers; for from his day the power of the Speaker's office has grown so strongly along the lines that he marked out, that it can now be justly called at least second in importance and power in the government. The natural leader of that time was Henry Clay; and that the place he was given from which to lead the country was the chair of the House of Representatives is a fact of great significance. One of the most interesting studies in the government of the United States is that contained in the examination of the growth of the power of the Speaker. At the time of the framing of the Constitution, the official in mind was undoubtedly simply a presiding officer charged with the direction of the course of procedure of the House of Representatives through an impartial administration of its rules. But in these later years he has become one of the strongest factors in determining the character of legislation. He signs all acts, resolutions, and other evidences of action of the House. As the presiding officer, he decides all points of order arising during the sessions of the House. The Speaker of the House, as is the case in the State Legislature, has exclusive powers in the formation

of the various committees of the House. The most important committees are the Committee on Ways and Means, and the Committee on Appropriations. The coveted positions are either chairmanships, or membership on these sommittees.

534. A Southern View of the Limitation of Negro Suffrage.—Connecticut, Massachusetts, New Hampshire, and Wyoming require an educational qualification of voters. A similar limitation in Alabama, Louisiana, Mississippi, South Carolina, and Virginia eliminates a large illiterate negro vote. Of the negro males of voting age in Alabama, 59.5 per cent are illiterate; in Louisiana, 61.3 per cent; in Mississippi, 53.2 per cent; in South Carolina, 54.7 per cent; and in Virginia, 52.5 per cent. This is more than one-half the negro vote of these States. The laws of the Southern States above mentioned provide for an Australian ballot, payment of taxes, registration in advance of election, together with the educational or property qualification. Of the negroes who are not disqualified through the educational qualification, a great many become disqualified through failure to pay their taxes. Others will not think to register several months before the election, and will not pay their poll tax in February so that they may qualify themselves to vote in November. Neither is it possible nor desirable to control such votes by paying the taxes for the voters.

Certain clauses in the constitutions of these States have led to much discussion. Among them the "grandfather clause" of Alabama and Louisiana, the "ex-soldier clause" of Virginia, and the "understanding clause" of Mississippi are clauses of enfranchisement and not disfranchisement. They were intended to grant suffrage to many citizens

and law-abiding men who were unable to read and write. In Louisiana any male person who was a voter in any State of the Union on January 1, 1867, or the son or grandson of any such person, might register prior to September 1, 1898, and thereby become a voter. Of course no negro could qualify under this clause. The "grandfather clause" of Alabama has practically the same operation. And such was evidently the intention of the "ex-soldier clause" of the constitution of Virginia, although it applies to Federal veterans, as well as to Confederate. The "understanding clause" of Mississippi qualifies persons of good intelligence, who can understand any section of the State constitution and give a reasonable interpretation thereof, even though the applicant shall be unable to read and write. It should be borne in mind that all these requirements apply equally to both white and black. The son of the richest planter and the son of the humblest negro must enter the voting-booth by precisely the same door, as open to one as to another. Perhaps the salvation of the South lies in the fact that the white man will qualify himself under this law and the negro will not. The negro cannot bear up in a losing fight. He has come to recognize that, "On whatsoever land the Anglo-Saxon plants his foot, of that land he is master or there he finds his grave." The whole world knows that, and the lesson will never be unlearned.

535. Strikes and Lockouts.—The Constitution of the United States is silent upon the subject of labor; all such problems must be solved by the State. In like manner, the earlier State constitutions contain nothing about labor, because there were then no great labor organizations nor labor problems. But, in recent years, clauses

pertaining to labor have been introduced into some of the constitutions. Wyoming declares: "The rights of labor shall have just protection through law calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the State." Idaho and California forbid the employment of Chinese laborers upon public works, State or municipal. North Dakota declares that every citizen shall be free to obtain employment wherever possible, and forbids *blacklists* between corporations. The constitution of Louisiana forbids the passage of any law fixing the wages of manual labor. Several States have attempted to protect trades-unions by making it a misdemeanor to discharge an employé for belonging to a labor organization. However, statutes which interfere with the freedom of contract will not receive the support of public opinion. But the Supreme Court of the United States has decided that the law enacted in Utah, where the statute forbids men from working more than eight hours per day in the mines, is constitutional, although it practically denies freedom of contract; the ground of the decision being the fact that working in mines is a matter that properly comes under the police power of the State.

In the warfare between capital and labor, the chief weapons of the employer are the *blacklist* and the *lockout;* while those of the employés are the *strike* and the *boycott.* Society feels severely the results of industrial war. All parts of the country and classes of society suffer keenly whenever a strike is declared. Many of the States have established *boards of arbitration,* before which the disputes of employers and employés may be settled. Boards of arbitration, however, must depend upon the power of

public opinion to give their decisions weight, for in no State is there compulsory arbitration. Men must be protected in their right to remain out of a union when they choose to assert that right. There can be no freedom if any organization outside of the government itself can enforce its rules upon an individual. Government, and government only, can coerce an American citizen.

536. The Chicago Strike. — The employés of the Pullman Car Company of Chicago began, May 11, 1894, a strike which presently became a very formidable affair. With their sympathizers they mustered in dangerous numbers, and began efforts to prevent the use of Pullman cars by any of the railroads running out of Chicago. Their violence seemed about to stop all traffic on the roads, but President Cleveland intervened and gave the country a touch of his quality as an executive officer. Neither Governor Altgeld nor the Federal courts had acted nor asked for assistance in their various functions. But the President took the initiative deliberately and assumed all responsibility, on the ground that the strikers were preventing the mail service and the course of interstate commerce. The carrying of the mails and the protection of the commerce between the States were indisputable duties of the Federal government. United States troops were ordered to the points of disturbance, and a proclamation was issued which practically declared the disturbed regions in a state of insurrection, and threatened severe action against all rioters as against public enemies. Order was restored, and the law prevailed.

537. Trusts.—A *trust* is a combination of all the processes of a great industry, or all the producers of a certain

article, in order to control the production and price of that article. The trust is usually a corporation chartered by one of the States. Such combinations are of comparatively modern growth, being the result of industrial conditions which have arisen within the half-century. Various causes have led to their rise, such as the desire to decrease cost of production, the utilization of waste products in by-products, utilization of patents, economy in purchase of raw material, and the personal influence of promoters and financiers. From the stand-point of capital alone, the trust is almost an unmixed benefit; but if the power thus gained be not handled with care for public interests, the trust becomes a great evil. Congress does not interfere with a corporation so long as it carries on its business only in its own State; but if a trust wishes to monopolize the business in the whole country, and sends its products into other States and to foreign countries, the power of Congress to legislate in the matter becomes of great importance. Congress has forbidden corporations whose products are a part of the interstate or foreign commerce to make any agreements suppressing competition and regulating the markets, but the growth of great corporations has largely defeated this limitation. The tendency within recent years has been to combat the evils of the trusts by investigation, and publication of contracts made and business transacted by them. One of the greatest perils connected with the development of trusts is the growth of monopoly. One great trust controls the iron mines, the steel manufacturing plants, and is allied with the strongest railroad systems. These enormous corporations are able to control absolutely the production of certain commodities, and thus remove them

from the healthy influence of competition. As a result, they are able to charge excessive prices for the goods produced. In this way a matter of private concern has become one of great public interest, which the State and Federal authorities must regulate.

538. Pensions.—The Federal government has no charitable functions. The homes for its worn-out sailors and soldiers are maintained as just payment of a debt to those who have served in its wars. The same is true of the sums expended in the form of pensions. By an act approved February 6, 1907, a pension is provided for all veterans of the Mexican and Civil War who have reached the age of sixty-two years, irrespective of physical disability. On June 30, 1907, there were 967,371 pensioners on the rolls. To that date the total disbursements for pensions for all wars and for the regular establishment amounted to $3,598,015,724. There are still three daughters of Revolutionary soldiers on the pension rolls. The last survivor of the Revolutionary War was Daniel F. Bakeman, who died April 5, 1869, aged 109 years. The last surviving widow of a Revolutionary soldier was Esther S. Damon, who died November 11, 1906, aged 92 years. The last survivor of the War of 1812 who was on the pension rolls was Hiram Cronk, who died May 13, 1905, aged 105 years. There are still over 500 widows who are pensioners of the War of 1812.

539. Electoral Count Act.—The excited and perilous contest over the disputed election of 1876 induced Congress to pass (1887) an act which empowers each State, in case of controversy, to decide how its own vote stands; in case it fails to decide, the question then comes before Congress. The President of the Senate opens the

Electoral certificates in the presence of both houses; he then hands them to the tellers, two from each house, who read them aloud and record the votes. If there is a dispute, the returns certified by the officially constituted State tribunal are accepted. In case of rival tribunals, the vote of the State is not counted unless both Senate and House of Representatives separately agree to accept one of them as official.

540. Counting a Quorum.—Previous to 1890, a favorite way of filibustering in the House was for the minority party to call for the yeas and nays on some motion, and then themselves refuse to vote. The majority party, thus left to vote alone, frequently through the absence of some of its members, could not show the majority necessary to constitute a quorum; and the house would be forced to adjourn from day to day. But Thomas B. Reed, Speaker of the House of Representatives in that year, decided that if a Representative was in the House, he was present and helped to form a quorum whether he answered to the roll call or not. If less than a majority answered to their names, he counted all who were in the House; and if his count showed a quorum, the bill was declared passed. Although bitterly opposed in this ruling, his action was sustained by the Supreme Court, and the practice has ever since been followed.

541. Free Coinage. — Legal permission given all owners of bullion to bring it to the United States mints and have it coined into dollars on payment of a certain sum for the cost of operation is called free coinage. The free coinage of gold is already allowed, if not practiced. Gold in bars or bricks is, for all practical purposes, as good as coin; and, in foreign trade, is more convenient

to handle. But the free coinage of silver is not allowed; for the silver bullion is of less value, according to weight, than the silver dollar. That is, a silver dollar does not contain a dollar's worth of silver, as the gold dollar does of gold. The free coinage of silver would mean that all owners of silver bullion could bring it to the mints, and have it coined into standard dollars at the old ratio of weight and value, sixteen to one.

542. Greenbacks.—This is the name given to legal tender notes of the United States first issued in 1862. They are so named because the devices on the backs were printed in green ink to prevent alterations and counterfeits. Like gold and silver dollars, they are legal tender for all private debts. At one time the total amount of greenbacks outstanding was $600,000,000. After the resumption of specie payments in 1878, a large number of the greenbacks were redeemed and permanently retired. When the amount had been reduced to $346,000,000, Congress passed an act requiring that thereafter any of the notes redeemed should be re-issued. Greenbacks are receivable for all debts and public dues, and are redeemed in coin at the Treasury on demand. The Greenback party was a political organization which in 1876 demanded an increase in the amount of paper currency issued by the government. This party developed considerable strength in the Western States. Eventually (1884) this party strongly advocated the issue of "fiat money,"—that is, paper money issued by decree or "fiat" of the National government. General Benjamin F. Butler, nominated for the Presidency on its platform, said: "I desire that the dollar so issued shall never be redeemed." He added that there is no more reason for the redemption of a paper dol-

lar than for the redemption of a yardstick or of a quart measure.

543. Gresham's Maxim. — Sir Thomas Gresham states the law that every inferior currency tends to expel the superior currency from a country. Issues of paper and depreciated silver cannot enlarge the money-volume because they not only displace gold, but also cause an increase in the price of everything that money buys. There is, under such circumstances, no real increase of the money-volume of the country, but only an apparent one. There are more dollars than before, but they are cheaper, since the individual dollar buys much less than before the inflation. Under such conditions the creditor loses, and so does the workingman unless his wages rise in the same ratio as do the prices. The safeguard against inflation is a currency based upon gold, or certificates representing deposits of gold. The ideal currency would be one containing nothing else. In all sound-money countries, the banknote is in course of becoming a simple gold certificate redeemable on demand.

544. Committee of Ways and Means.—This is the name given to the *tax-proposing, revenue-raising* committee of the House of Representatives. It is a very important committee, and its chairman is always a leading member of the majority party in the House. The business of raising money belongs to this committee, and it prepares and reports to the House all measures for that purpose. The Committee on Ways and Means does not, however, necessarily seek to adapt taxation to expenditures. The primary object of customs-duties has for many years past been not the raising of money for revenue, but the protection of American industries; the high tariff has brought

in an income far exceeding the needs of the government. The committee charged in general with the business of *spending* money is the Committee on Appropriations, but the direction of many fields of expenditure is given to various other committees.

545. Orphans' Court—the Probate Court.—This court examines the wills of deceased persons and decides whether they are made as wills by law should be made. In case a person dies without having made a will, and leaves no one to take charge of his estate, the court appoints an *administrator* to take charge of it. The business of the probate court is to see that the property of the dead falls into the rightful hands. When a child becomes an orphan, the probate court — called in Pennsylvania the orphans' court — will appoint a guardian to manage the estate until the child comes of age.

546. "All Men are Created Equal." — So wrote Thomas Jefferson, and so agreed with him the men who represented the protesting colonies. Such appeal to the sense of equal rights before God and the law is the most powerful that can in any way be addressed to the masses of any people. It is, indeed, the very essence of our American democracy that one man should have as large an opportunity as any other man to make the most of himself, and to come forward and achieve high standing in any calling to which he is inclined. To do this the bars of privilege have been thrown down, the suffrage is open to almost every man, any public office has been opened to any one who can persuade his fellow voters or their representatives to select him.

But equal opportunity to take part in making and enforcing the laws is not in itself enough to insure the suc-

cessful operation of democracy. It is equally important that all should be capable of such participation. If under any circumstances a class or race is unable, through any defects, to assert themselves beside other classes or races, and to command that share in conducting government to which the laws entitle it, we recognize at once that democracy has broken down, and that, under the forms of democracy, there has developed a class oligarchy or a race oligarchy. The two things essential for the preservation of the ideal government which the American people would reach are: equal opportunities before the law; and then, equal ability of classes and races to use these opportunities. Absence of the first gives legal oligarchy; absence of the second gives actual oligarchy disguised as democracy.

In America, has arisen "a new nation, conceived in liberty, and dedicated to the proposition that all men are created free and equal." The attempt has been made to unite all races in one commonwealth and one elective government. A single language became dominant from the times of the earliest permanent settlements, and all subsequent races and languages must adopt the established medium of communication. Mental community, or union in thought and action, is what unites mankind. If we can in any way be brought to think together, we can easily be induced to act together; and the medium of common thought and action is a common language. Through this noble instrument of the human mind all the powers of assimilation are focussed upon the new generations. The public schools, the newspapers, the books, the political parties, and all the general agencies of universal education, the railroads with their inducements to our unparal-

lelled mobility of population, are all dependent upon our common language for their high efficiency. This direction of our energies toward mental assimilation rather than to the slower and more doubtful blood amalgamation forms the safeguard of the fate of our institutions. The instrument of a common language is at hand for conscious improvement through education and social environment.

547. Coolies Still Evade the Laws.—Chinese immigration has long been a subject presenting many difficulties to the government and to Congress. In the early days, when there were no restrictions, tens of thousands of Celestials poured into the country, mostly remaining on the Pacific coast, although gradually going into almost all other sections, until the situation in California became practically intolerable and there was a cry for legislation which could not remain unheeded.

In 1881 a treaty was concluded with China,—the government of which has always asserted a desire to keep her coolie class at home,—which restricted but did not wholly prohibit the immigration of laborers, and admitted teachers, students, merchants, and travelers. This was not satisfactory, and in 1884 the coming of Chinese laborers was absolutely suspended for ten years, the law being extended indefinitely in 1902.

In order to prevent the evasions, the law of 1893 defined Chinese laborers to be all skilled and unskilled manual laborers, miners, fishers, hucksters, peddlers, and laundrymen. A merchant was defined as a person engaged in buying and selling merchandise at a fixed place of business, and who does not engage in any kind of manual labor. All laborers who had been here prior to the passage of the law were compelled to take out certificates of

identification, giving all physical peculiarities, and with a photograph of the applicant affixed. If any of these laborers desired to return to China and then come back to the United States, permission could be obtained only on the ground, which had to be established by sworn testimony, that he had a wife, minor child, or parent here, or property to the value of $1,000, or debts to the amount of $1,000 due him and pending settlement.

Under these rigid regulations Chinese immigration has been restricted, so far as legal entries are concerned, to practically a minimum. For the year 1907 the total entries were 3,255, and there were deported, as coming under the excluded classes, the small number of 259. Of the entries nearly 1,000 were United States citizens, that is, Chinese born in this country; 765 were returning laborers, 733 returning merchants, the latter with their wives and families composing about one-half of the total immigration. There were 122 students, 10 travelers, and 6 teachers. There is no doubt that very many of those entering as "American citizens" were not entitled to admission.

Very many Chinese, knowing that they have not the necessary credentials to admit them at a port of entry, go to Canada or Mexico and get across the border. There are, on both the Canadian and Mexican borders, white men who engage in the business of smuggling Chinamen into the United States and in securing the testimony necessary to secure their admission if arrested. About $200 is the fee usually charged for this service.

While the perpetration of frauds along the Canadian border has largely decreased within recent years because of the head tax of $500 imposed by the Dominion on all

Chinese immigrants, many are being smuggled across from Mexico. Statistics show that more than 45,000 Chinamen have come to Mexico, 5,000 during 1906, and yet there are not now over 15,000 Chinese in that republic. The only, and the legitimate, conclusion is that they have found their way across the boundary into the United States. It may be said in this connection that the same is true of the Japanese. About 8,000 Japanese entered Mexico in 1905 and 1906, and yet there are only about 2,000 there now. An inspector in the Bureau of Immigration, after thorough investigation, reports that fully 15,000 aliens from Europe and Asia enter the United States annually from Mexico. Mention has been made of the certificates of identification which certain laborers resident in the United States must obtain from the Bureau of Immigration. Many of the possessors go to China without intention of returning to America. There they sell their certificates, receiving from $200 to $500 for them from intending immigrants, or those interested in getting them into this country. The photograph is carefully steamed off, the official seal marks ironed out, and another photograph substituted. There is such a general resemblance between Chinamen that only adepts can detect the difference in photographs; and this becomes very difficult when a number of years have elapsed since the pictures were taken. Strong magnifying glasses are an indispensable adjunct to every inspector's office, so that these alterations and falsifications of the certificates may be detected. Chinese immigration, prohibited as it is, presents many curious difficulties.

548. The Life-Saving Service.—Congress, stimulated thereto by the urgent recommendations of President

Roosevelt, has recently increased the compensation of the persons employed in the United States Life-Saving Service. There are 278 life-saving stations scattered along the thousands of miles of coast line on the Atlantic, Pacific, Gulf of Mexico, and the great lakes. During the last year 347 vessels were involved in disaster within the field of the life-saving service's operations, of which 55 were totally lost. There were on board of these vessels 3,936 persons, of whom only 22 were lost. The value of the vessels was $6,478,000 and of their cargoes $1,824,000, of which $6,916,000 was saved.

In addition to this, there were 611 vessels with their cargoes, valued at $5,661,000, saved under circumstances that would have involved serious total loss but for the assistance given by the life-saving crews, and assistance of more or less importance was given to 714 other vessels. The hardships and heroism of these men form a story too long to tell here, as do the injuries and disease incident to the service. They certainly deserved the generous action of Congress, resulting from the energetic suggestion of our youngest President. This man, who was performing the duties of his high office before he was forty-three, knows that the country can have no better method of marine insurance for life and property than that furnished by an energetic, young service which, since its institution in 1871, has had to deal with 17,317 disasters in which 121,627 persons were involved and only 1,172 lost, the total value of the property at stake being $251,516,000, of which no less than $199,457,000 was saved.

549. The Japanese Treaty.—The arbitration treaty between the United States and Japan which was signed on May 5, 1908, by Secretary Root and Baron Kogoro

Takahira, the Japanese ambassador to this country, is the product of no special conditions but has been drawn in simple obedience to an agreement entered into by the powers at The Hague Peace Conference. The purport of this was that whatever disputes among the nations are found suitable for arbitration should be adjusted in this way. Treaties to this end have already been negotiated by our government with several foreign powers, and the extension of the same civility to Japan occurs naturally and necessarily. No possible compromise of rights that need to be conserved is involved. Moreover, the treaty is but for a short period. Unless there is a renewal, it will be in force only five years.

Of its ratification by the Senate there should be no doubt. The treaty ought to be ratified promptly and cheerfully, in order that Japan may have proof of the singleness of purpose of the Federal government, and of the sincerity of its desire to maintain friendly relations with the Island Empire. The relations of the two powers were somewhat disturbed by the steps taken to secure the exclusion of Japanese laborers from this country. This affair, however, was tided over, and it must be conceded that the part played by Japan in connection therewith indicated a thoroughly tolerant and amicable spirit. Let the same spirit be shown by our government in handling the new treaty, and the results will be most beneficial. The Senate cannot do better than to ratify the agreement at once, and without debate.

550. "Fighting Bob."—At the climax of the brilliant scenes attending the reception of the great fleet of battleships at San Francisco, May 9, 1908, Rear-Admiral Robley D. Evans laid down his command after forty-five

years of loyal service. Entering the navy during the Civil War, he had his baptism of fire under Admiral Farragut and early proved his courage, being severely wounded in the attack on Fort Fisher. In 1891 he was in command of the *Yorktown* in the harbor of Valparaiso, Chile, and by his courage and readiness he mastered a difficult situation and put an end to strained relations between Chile and the United States. In the war with Spain he was a conspicuous figure, taking part, as commander of the *Iowa*, in the destruction of Cervera's fleet and otherwise earning distinction. His promotion to the grade of Rear-Admiral in 1901 was a fit reward for his services to his country.

Admiral Evans has always been a favorite with the people, who love him for his dash and daring and his thoroughgoing Americanism. His sobriquet of "Fighting Bob" is a better tribute to his worth than all that his biographers can say of him. He has upheld nobly the American standard of patriotism and manly prowess, and he takes with him into his retirement the admiration and the gratitude of the Nation.

551. Memorial Day at Kingston, N. Y., 1908.— It will be profitable for school teachers to recall for the benefit of their pupils the career of George Clinton, who was Vice-President under Jefferson and Madison. His body, exhumed from the Congressional cemetery at Washington, will be re-interred on Memorial day at Kingston, N. Y., the old capital. His Revolutionary service will serve to stir the patriotic young mind, and his casting vote against renewing the charter of the United States bank is the prelude of an exciting chapter in history. Theodore Roosevelt, as Vice-President, decided a

tie vote and gave the country its present policy as to the Philippines and other insular possessions. A currently used history in the schools asserts that Genet, the minister of the French directory, was ordered from the country, and thereafter lost to view. It might do to tell the pupils that he married George Clinton's daughter and lived honorably, and died in New York years after his too great reliance upon American gratitude to France.

552. Adoption of the Constitution.—The banner State in the matter of the adoption of the Federal Constitution was *Delaware*. A unanimous vote of the convention held for the purpose gave the voice of this little State for the great instrument of government, December 6, 1787.

James Wilson, a member of the Federal Convention, explained the Constitution to the members of the State convention of *Pennsylvania*. Washington pronounced James Wilson as honest, candid, and able a member as the Federal Convention contained. His speeches in the State convention form a most interesting and able commentary upon the Constitution. Chief-justice McKean was also a prominent advocate of the adoption of the Federal Constitution, and declared it to be the best the world had yet seen. The chief opposition to the adoption of the new system came from the portion of the State west of the Susquehanna. The ratification was given December 12, 1787, by a vote of 46 to 23.

The convention of the State of *New Jersey* adopted the Constitution by a unanimous vote December 18, 1787. *Georgia* followed with a like unanimity of vote January 2, 1788.

Connecticut was the fifth in the order of adoption. The

most prominent advocate of the Federal Constitution in that State was Oliver Ellsworth. The Constitution was adopted by a large majority January 9, 1788.

In *Massachusetts*, the opposition was strong in numbers and in talent, but the influence of John Hancock was used to conciliate the opposition. It was proposed that the *Constitution* should be unconditionally adopted, and that certain *amendments* should be earnestly recommended. On February 6, 1788, the adoption was carried by a majority of nineteen. The wise plan adopted in this State saved the Constitution.

Maryland adopted the Constitution April 26, 1788, after an unsuccessful attempt of the opposition at adjournment of the convention. In *South Carolina* the influence of the Pinckneys and the Rutledges prevailed, and a convention was called which adopted the Constitution May 23, 1788. *New Hampshire*, after delays caused by adjournment and reassembling of the State convention, at last adopted the instrument of government June 21, 1788.

The opposition in *Virginia* was very strong, and was led by Patrick Henry. He claimed that the new government was not a compact between sovereign States, but a National government. Speaking of the preamble he said: "Who authorized them to speak the language of '*We the people*,' instead of '*We the States*'?" Madison, Marshall, Randolph, and others answered these objections effectively. After long continued debates, the Constitution was adopted by the convention, June 25, 1788.

In *New York*, two-thirds of the members of the convention were opposed to the Constitution. At last through the efforts of Hamilton, Livingston, and Jay, the Constitution was adopted July 26, 1788, by a vote of 30 to 27.

The Constitution was thus ratified by eleven States. When the ratifications of nine States had been received by the Congress of the Confederation, an Act putting the Constitution into effect was reported and passed. Elections for the new government were directed to be held in January, 1789, the Presidential Electors were to meet on the first Wednesday in February, and the first Wednesday in March, 1789, was designated as the time for commencing proceedings under the Constitution.

The Constitution was rejected at first by *Rhode Island* and *North Carolina*. The latter State finally ratified the Constitution November 21, 1789. *Rhode Island* remained out of the Union until May 29, 1790.

The history of the Constitution shows that it was designed to form a National government, and that it was ordained and established by the *People* of the United States. Hence, in the words of Washington's "Farewell Address:" "*Until changed by an explicit and authentic act of the whole, it is sacredly obligatory upon all.*"

As mentioned above, the first Wednesday in March was set as the time for commencing operations under the Constitution. This day happened in 1789 to fall on the fourth of the month, and hence was it that three years later Congress decreed that each Presidential term shall begin on the fourth of March next following the day on which the votes of the Electors are counted. In accordance with this law our Presidents have ever since, with eight exceptions, been sworn into office at noon on the fourth day of March. Five times the Vice-President has succeeded to the office on the death of the President. Three times has the day named by Congress fallen on Sunday, and the oath of office has been taken on the fifth

of March. The first of these occasions was in 1821; the second in 1849; and the third in 1877.

The formal inauguration of the President on the fourth day of March is the outward and visible sign that the people have decided to whom they will intrust the government for the four years following the inauguration. It is the fitting ceremony which marks the arrival of the incoming President at the threshold of his term of office. Like most forms and ceremonies of the larger sort, this one is symbolic and has its deeper meaning. It is not merely the induction of a man into office, but is the formal act by which a President and his party are clothed with all the power conferred by the Constitution upon the National government. They bring with them their policies and principles, and the moment of their advent is always a fit one in which to consider just what the inauguration ceremony signifies in its larger aspect.

553. Should Cabinet Officers have Seats in Congress?—A single clause in the Constitution of the United States implies, but does not actually designate, the Cabinet. The President (M_1) is empowered to "require the opinion in writing of the principal officer of each of the executive departments upon any of the subjects relating to the duties of their respective offices." In many respects the Cabinet is simply a board of heads of departments. The powers of cabinet officers in the United States are extremely restricted. The Cabinet owes its existence to the fact that it is physically impossible for the President to attend to all the details of the Executive department. The cabinet officers act for him, and are responsible to him alone. They may give him advice, and

therefore the President should see that his advisers are men whose opinions are worth having. He, however, is not bound to follow their advice, nor need he ask it on all occasions.

It has been said by many that the cabinet officers should be much more than mere registrars of the Executive, and that the efficiency of the government would be much increased were the members of the Cabinet given seats in Congress. In the opinion of such commentators, the power of cabinet officers is too restricted. The unity of government can best be secured by allowing members of the Cabinet to introduce bills, take part in debates—if not to vote, and they should be allowed, as in England, to make an appeal to the people in questions of great importance. In the constitution adopted by the Confederate States during the Civil War, Congress was authorized to grant seats upon its floor and the right to debate upon all public measures to the heads of the several executive departments, in order that the Legislative body and the Executive might act in closer harmony and easier coöperation than had been possible in the Federal Union.

"Congress may, by law, grant to the principal officer in each of the executive departments a seat upon the floor of either house, with the privilege of discussing any measures appertaining to his department." *See Constitution of the Confederate States.*

But there was to be no time of peace in which a test of this new provision could be made. The Confederate Executive stood supreme at the front of action while a war for the very existence of the Confederacy lasted. Any nice balance of constitutional adjustment was out of

the question. Constitutional safeguards gave way to the mere problem of making the existence of the government good upon the battle-field. The day may come when it may be recognized that these men, who had perceived this inconvenience of the Federal system, were correct in their criticism, and the attempt will again be made to make the government more efficient by giving seats in Congress to the members of the Cabinet.

554. Silver: Demonetization: Gold Standard.— In 1873, Congress discontinued the free coinage of silver and established as the unit of value the gold dollar of the weight of 23.22 grains pure gold with one-tenth of alloy to prevent abrasion.

The demonetization of silver was unpopular, and in 1878 Congress passed the "Bland-Allison Act," which required the government to buy not less than two million dollars' worth, and not more than four million dollars' worth of silver bullion each month, and coin it into silver dollars, these to be full legal tender. Under this act much silver was bought, and during the twelve years in which the law was in force $378,166,793 in silver was coined. Of this sum $57,000,000 entered circulation as metallic silver dollars, but the remainder was held in the vaults of the Treasury and representative money in the form of *silver certificates* was issued in its place.

The "Bland-Allison Act" was repealed in 1890, and the "Sherman Act" was passed. This law required the Secretary of the Treasury to purchase 4,500,000 ounces of silver each month at market value, and to pay for the same with *Treasury notes*. Under this law $156,000,000 of Treasury notes were issued, 36,000,000 silver dollars coined, and 168,000,000 ounces of silver purchased. The Treasury

notes were legal tender and could be presented by the holder to the Secretary of the Treasury for redemption either in silver or gold at the discretion of that officer. In 1893 the *purchasing clause* of the "Sherman Act" was repealed, and the issue of Treasury notes ceased. In 1900 gold was made the standard unit of value. It is the declared policy of the government to keep its silver dollars and silver certificates on a parity with gold. They are legal tender, and if presented for exchange would be redeemed dollar for dollar in gold. The coinage of gold is free, but gold bullion is the more convenient form for transportation in the course of the balance of trade.

The demonetization of silver has been the cause of much political controversy. Gold monometallism prevails to-day. The advocates of bimetallism believe that the United States should permit free and unlimited coinage of both gold and silver at a ratio fixed by law.

555. Shaw Memorial by St. Gaudens: Civic Courage.—"You have immortalized my native city; you have immortalized my dear son; you have immortalized yourself." Such were the words of the mother of Col. Robert Gould Shaw to the great sculptor, when on Memorial Day in Boston, a masterpiece of modern art was unveiled.

It is not often that those whom the world esteems the most successful or the greatest leave the most valuable examples and lessons to posterity. It is rather the man whose life or death touches some deep chord of universal sympathy,—appeals to the imagination or the sentiment of all mankind. When far greater soldiers are forgotten, the memory of this gallant youth will still be cherished. He fell "with his hurts before" leading a hopeless charge,

blazing the path of freedom for a race in bondage. This is the kind of courage to which monuments should be erected. *Civic courage* led him bravely to give up his commission, as he marched with the glorious Seventh regiment, and assume the leadership and head the dubious fortunes of the negroes of the Fifty-fourth. His was not the common and gregarious courage which men might show as they stormed a battery side by side with others. Civic courage in Col. Shaw led him to resist prejudice and enthroned abuse of a race.

"A pæan not a knell,
For heroes dying so!
Not weighing gain with loss—
World-losers, that win all
Obeying Duty's call!"

556. Referendum.— The method of enacting laws by a direct popular vote is called the *Referendum*. Within late years there has arisen a distrust of legislators, and a desire to secure for certain classes of laws a permanency that is not inherent in ordinary laws, which stand in constant danger of alteration or repeal. Throughout the Union, it is the practice to submit constitutional provisions to the popular vote. In some States the Swiss *Referendum* has been reproduced in some degree, and a tendency is everywhere shown to make all very important legislation dependent upon the direct popular vote. Also, the referendum is practically employed whenever amendments to State constitutions are submitted to popular vote, and whenever the people are permitted to decide the question of local option in the sale of liquor. It is not always possible to consult the whole people directly in the formation of law, but when such a measure is

possible, the authority of the law is very much augmented. Such popular origin contributes greatly to increase its power. There is amazing strength in the expression of the determination of a whole people. On the other hand, it may be urged that the people seldom have sufficiently accurate knowledge to act intelligently upon legislative proposals. Almost all the matters of Federal legislation,—tariff, banking, regulation of commerce, appropriations,—are too complicated to be acted upon directly by the people at large. Though this may not be true to so great an extent of those matters which ordinarily come before our State legislatures, yet, if the referendum were largely used, it is certain that the legislators would become less careful of the character of their acts and the people would place less importance upon the quality of their representatives sent to the legislatures.

The proposing of measures by the popular voice is called the *Initiative*. In Switzerland, the right to petition has become the right of initiative in legislation.

557. Injunctions: Equity.—Courts of equity are designed to protect certain rights of person and property which the common law could not and did not protect. The law could punish a man for wrong-doing, and could require him to pay damages to those whom he had injured. But it could not anticipate a threatened injury and prohibit him from doing it. Sometimes the injury was one which could not be repaired, and often the wrong-doer had no means with which to pay for the damage he had done, the law frequently left the injured party without redress. Thence arose the *injunction*, which is a restraining order issued by a court forbidding a man to do an act

which will inflict injury upon his neighbor. The order can be enforced by fine and imprisonment.

Certain great principles of equity are: (1) He who seeks equity must do equity; (2) Equity suffers no wrong without a remedy; (3) Equity regards the substance and intent, not the form; and (4) Equality is equity.

Popular demand has transformed occasional interferences with the law into a form and method of law; and the same courts have come to administer both law and equity, to be open to the suitor alike to recover damages for a wrong committed, and to prevent the consummation of a wrong threatened. An ounce of prevention is worth a pound of cure, and the injunction is one form of the power which the community exercises to prevent the perpetration of injustice. Undoubtedly the courts ought to possess this power of prohibiting perpetration of an injurious and illegal act, but it is possible that the power which they possess is too absolute and unlimited. There are about one hundred Federal judges and many hundreds of State judges. Any of these judges, with a few possible exceptions under special State laws, may issue an order forbidding any persons from doing any act which the judge may think illegal and injurious. He may issue this order without giving the opposite party a hearing. He may bring before him the man suspected of disregarding the prohibition, try him, convict him, and sentence him to fine or imprisonment, or both. Whatever the defense of the man may be, the judge who issued the order, and who is presumably prejudiced in favor of its legality and justice, hears and tries the man who is accused of violating it, and determines on his guilt or innocence, and decides on the penalty he must pay. There should be a limit

placed upon the power of the courts to grant restraining orders. The power to prohibit and prevent wrong-doing should not be denied to the courts, but rather increased; but, on the other hand, the power ought not to be exercised without previous notice and hearing, save in very exceptional cases. Unlimited power to grant injunctions should not be given to all judges; and he who is accused of disobeying such an order should be protected in his right to a fair trial before an unprejudiced tribunal. The English practice requires a hearing of the restrained party's side of the case before granting the restraining order. This was formerly the American practice, and is said to be still required by an almost forgotten rule of the Supreme Court of the United States.

558. Shall the People vote directly for the President? — The Electoral College has never been an independent body free to select a President and Vice-President; for, though in theory the Electors have been vested with such powers, in practice they have no such practical power over elections, and have had none since their institution. In every case the Elector has been an instrument bound to obey a particular command of his party, disobedience to which would be attended with infamy, and with every penalty which public indignation could inflict. From the beginning, Presidential Electors have stood pledged to vote for the candidate indicated by the public will.

In 1825, an attempt was made to procure an amendment to the Constitution, so as to do away with all intermediate agencies and give the election to the direct vote of the people. In the Senate, an amendment was put forward providing for election by districts equal in number to the

whole number of Senators and Representatives to which each State was entitled in Congress. The amendment did not receive the necessary support of two-thirds of both the Senate and the House of Representatives.

Since that time several attempts have been made to secure the election of President by direct vote, but without success. A failure of the popular vote to work its will usually leads to a revival of the discussion. Grover Cleveland, in 1884, was elected with a popular plurality of 62,683, and an Electoral vote of 219 against 182 for James G. Blaine. But in 1888, although he had a plurality of 98,017 over Benjamin Harrison, Cleveland was defeated, since his Electoral vote was only 168 against 233 for Harrison. In 1892, Grover Cleveland was chosen with a plurality of 380,810, and an Electoral vote of 277 against 145 for Harrison and 22 for James B. Weaver. The size nor fact of the plurality does not influence the result, for Samuel J. Tilden, with a plurality of 250,935, was declared defeated, the final count standing 184 Electoral votes to 185 votes for Rutherford B. Hayes. This last decision was reached by the Electoral Commission appointed to deal with the matter; but, in so far as the popular voice is concerned, the plurality for Tilden was exceeded by that of but three Presidents previous to 1876, — Buchanan, Lincoln, and Grant.

559. Nullification and Secession.—Nullification is the refusal of a State to permit an act of Congress to be carried out within the limits of that State. The so-called right is based upon the theory that the Constitution is a simple compact between the States. The assumption is made that each State has the right to determine for itself when an enactment of the general government is to be

declared null and void. The right of secession is a kindred claim. The proclamation by President Jackson destroyed nullification, and secession died amid the terrors of civil war. The Constitution in all its aspects looks to an indestructible Union of indestructible States. Appomattox was a blessing to both North and South. It was there decided that there were not to be two republics, nor a dozen, between the Great Lakes and the Rio Grande. For this result, as well as for the extinction of slavery, all Americans, north as well as south of the Mason and Dixon line, may now give thanks.

560. Salaries of Federal Officers.—The salaries of the principal officers of the Federal government are:

President	$50,000
Vice-President	12,000
Cabinet	12,000
Chief Justice of the Supreme Court	13,000
Associate Justices of Supreme Court	12,500
Judges of Circuit Courts	7,000
Judges of District Courts	6,000
Speaker of the House	12,000
Representatives	7,500
Senators	7,500
Foreign Ministers and Ambassadors	$10,000 to 17,500
Heads of Bureaus and Divisions	$3,000 to 6,000
Lieutenant-General	11,000
Major-Generals	7,500
Brigadier-Generals	5,500
Colonels	3,500
Admiral	13,500
Rear-Admirals	$5,500 to 7,500
Captains in Navy	3,500

BATTLESHIP KENTUCKY

561. Impeachment of President Johnson.—The Committee on Reconstruction submitted a report in the House of Representatives February 24, 1868, recommending the impeachment of Andrew Johnson, and it was adopted by a vote of 128 to 47. The Senate was notified, and articles of impeachment were prepared. The trial was begun in the Senate on March 5, 1868, and eleven articles of impeachment were presented to the Senate sitting as a High Court of Impeachment. Chief Justice Salmon P. Chase presided at the trial. The oath was administered to him by Associate Justice Nelson, and the Chief Justice then administered it to the Senators. On May 16 the first vote was taken upon the eleventh article, with the result of thirty-five for "guilty" and nineteen for "not guilty." On May 26 a vote was taken on the second and third articles, with the same result as before. A motion that the court adjourn *sine die* was then carried. Judgment of acquittal was then entered by the Chief Justice on the three articles voted upon. Five Republican Senators had declined to vote with their party, and but one vote was wanting of the two-thirds majority required for conviction.

562. Powers of the President.—The President individually exercises greater influence than any other man in the country, and this unofficially as well as officially. President Roosevelt, unofficially, has been able to adjust formidable conflicts between capital and labor; to procure the adoption of a treaty of peace between Russia and Japan, and thus end terrific warfare; to mold in a marked degree the morals and manners of the people, and otherwise to direct in many ways the destinies of nations.

Officially the President is strong in the possession of the

veto power, to overcome which a two-thirds vote of both houses is necessary. Moreover he is capable of settling many great questions without Senatorial advice or assistance, wielding a sort of independent executive authority which may be used either for constructive or destructive purposes. In the establishment and enforcement of the Monroe Doctrine; in such cases as that wherein President Polk brought about a state of war with Mexico before the Legislative branch of the government was consulted; in Jefferson's purchase of Louisiana; in Cleveland's use of the military to suppress the Chicago riots;—there was a distinct exercise of executive independence. The war powers of the President, as exemplified by the consequences of Lincoln's act in freeing the slaves; the recognition of nations; the exercise of authority through the Cabinet; the absolutism of the Executive in diplomatic intercourse; the control exercised over the colonies, over the tariffs, over the Treasury and the National banking system, over the army and navy and the ports of the country, over the Federal courts, over the public domains and the postal service; the right of issuing proclamations; the vast powers of appointment — these and other attributes are proof that, be Congress constituted as it may, the personality of the President, his opinions and his designs, are of supreme importance, and that the selection of an unfit man for the Presidency would involve great danger to the Nation.

CONSTITUTION OF PENNSYLVANIA

PREAMBLE

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I

Declaration of Rights

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, we declare that

Section 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Sec. 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper.

Sec. 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

Sec. 4. No person who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

Sec. 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 6. Trial by jury shall be as heretofore, and the right
7 thereof remain inviolate.

Sec. 7. The printing press shall be free to every person who
8 may undertake to examine the proceedings of the Legislature, or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court, as in other cases.

Sec. 8. The people shall be secure in their persons, houses,
9 papers, and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation, subscribed to by the affiant.

Sec. 9. In all criminal prosecutions the accused hath a right
10 to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers or the law of the land.

Sec. 10. No person shall, for any indictable offence, be pro-
11 ceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court, for oppresson or misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Sec. 11. All courts shall be open, and every man, for an in-
12 jury done him in his lands goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the Commonwealth in such manner, in such courts, and in such cases as the Legislature may by law direct.

Sec. 12. No power of suspending laws shall be exercised unless by the Legislature, or by its authority.

Sec. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Sec. 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or presumption great; and the privilege of the writ of **habeas corpus** shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Sec. 15. No commission of oyer or terminer or jail delivery shall be issued.

Sec. 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 17. No **ex post facto** law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

Sec. 18. No person shall be attainted of treason or felony by the Legislature.

Sec. 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

Sec. 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address, or remonstrance.

Sec. 21. The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

Sec. 22. No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all times and in all cases be in strict subordination to the civil power.

Sec. 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Sec. 24. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer term than during good behavior.

Sec. 25. Emigration from the State shall not be prohibited.

Sec. 26. To guard against transgressions of the high powers which we have delegated, we declare that anything in this article is excepted out of the general powers of government and shall forever remain inviolate.

ARTICLE II

The Legislature

Sec. 1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a senate and a house of representatives.

Sec. 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either house, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Sec. 3. Senators shall be elected for the term of four years, and representatives for the term of two years.

Sec. 4. The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January every second year, and at other times when convened by the Governor., but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two houses by proclamation on notice not exceeding sixty days, to fill the same.

Sec. 5. Senators shall be at least twenty-five years of age, and representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States, or of this State), and shall reside in their respective districts during their terms of service.

Sec. 6. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress, or other person holding any office (except of attorney-at-law or in the militia), under the United States, or this Commonwealth, shall be a member of either house during his continuance in office.

Sec. 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury, or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

Sec. 8. The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law and no other compensation whatever, whether for service upon committee or otherwise. No member of either house shall, during the term for which he may have been elected, receive any increase of salary or mileage, under any law passed during such term.

Sec. 9. The senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members President **pro tempore**, who shall perform the duties of the lieutenant-governor, in any case of absence or disability of that officer, and whenever the said office of lieutenant-governor shall be vacant. The house of representatives shall elect one of its members as speaker. Each house shall choose its other officers, and shall judge of the election and qualifications of its members.

Sec. 10. A majority of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

Sec. 11. Each house shall have power to determine the rules of its proceedings, and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence, or offers of bribes or private solicitation, and with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either house, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Sec. 12. Each house shall keep a journal of its proceedings, and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Sec. 13. The sessions of each house, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 15. The members of the General Assembly shall in all cases except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

Sec. 16. The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one senator. Each county containing one or more ratios of population shall be entitled to one senator for each ratio, and to an additional senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district un-

less it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more senators, when such county may be assigned a senator on less than four-fifths and exceeding one-half a ratio; and no county shall be divided unless entitled to two or more senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of senators. No ward, borough, or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Sec. 17. The members of the house of representatives shall be
44 apportioned among the several counties, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

Sec. 18. The General Assembly at its first session after the
45 adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts, agreeably to the provisions of the two next preceding sections.

ARTICLE III

Legislation

Sec. 1. No law shall be passed except by bill, and no bill shall
46 be so altered or amended, on its passage through either house, as to change its original purpose.

Sec. 2. No bill shall be considered unless referred to a com-
47 mittee, returned therefrom, and printed for the use of the members.

Sec. 3. No bills, except general appropriation bills, shall be
48 passed containing more than one subject, which shall be clearly expressed in its title.

Sec. 4. Every bill shall be read at length on three different
49 days, in each house; all amendments made thereto shall be print-

ed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Sec. 5. No amendments to bills by one house shall be concurred in by the other, except by the vote of a majority of the 50
members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either house only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

Sec. 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but 51
so much thereof as is revived, amended, extended, or conferred, shall be re-enacted, and published at length.

Sec. 7. The General Assembly shall not pass any local or special law authorizing the creation, extension, or impairing of 52
liens; regulating the affairs of counties, cities, townships, wards, boroughs, or school districts; changing the names of persons or places; changing the venue in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets, or alleys; relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State; vacating roads, town plats, streets, or alleys; relating to cemeteries, grave-yards, or public grounds not of the State; authorizing the adoption or legitimation of children; locating or changing county seats; erecting new counties, or changing county lines; incorporating cities, towns, or villages, or changing their charters; for the opening and conducting of elections, or fixing or changing the place of voting; granting divorces; erecting new townships or boroughs; changing township lines, borough limits, or school districts; creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election, or school districts; changing the law of descent or succession; regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate; regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates, or constables; regulating the management of public schools, the building or re-

pairing of schoolhouses, and the raising of money for such purposes; fixing the rate of interest; affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the treasury; exempting property from taxation; regulating labor, trade, mining, or manufacturing; creating corporations, or amending, renewing, or extending the charters thereof; granting to any corporation, association, or individual, any special or exclusive privilege or immunity, or to any corporation, association, or individual, the right to lay down a railroad track; nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed; nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

Sec. 8. No local or special bill shall be passed unless notice
53 of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed.

Sec. 9. The presiding officer of each house shall, in the pres-
54 ence of the house over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

Sec. 10. The General Assembly shall prescribe by law the
55 number, duties and compensation of the officers and employes of each house; and no payment shall be made from the State treasury, or be in any way authorized, to any person, except to an acting officer or employé elected or appointed in pursuance of law.

Sec. 11. No bill shall be passed giving any extra compensation
56 to any public officer, servant, employé, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

Sec. 12. All stationery printing paper, and fuel used in the
57 legislative and other departments of government shall be furnished, and the printing, binding, and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall

be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts; and all such contracts shall be subject to the approval of the Governor, auditor-general, and State-treasurer.

Sec. 13. No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election 58
or appointment.

Sec. 14. All bills for raising revenue shall originate in the house of representatves, but the senate may propose amend- 59
ments as in other bills.

Sec. 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, 60
legislative, and judicial departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 16. No money shall be paid out of the treasury except upon appropriations made by law and on warrant drawn by the 61
proper officer in pursuance thereof.

Sec. 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the 62
Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each house.

Sec. 18. No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational, or 63
benevolent purposes to any person or community, nor to any denominational or sectarian institution, corporation, or association.

Sec. 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are sup- 64
ported or assisted, or the orphans of soldiers are maintained and educated; but such appropriations shall be applied exclusively to the support of such widows and orphans.

Sec. 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to 65
make, supervise, or interfere with any municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Sec. 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for in- 66
juries to persons or property; and in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within

which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

Sec. 22. No act of the General Assembly shall authorize the
67 investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided, saving investments heretofore made.

Sec. 23. The power to change the venue in civil and criminal
68 cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Sec. 24. No obligation or liability of any railroad or other
69 corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State treasury.

Sec. 25. When the General Assembly shall be convened in
70 special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Sec. 26. Every order, resolution or vote, to which the con-
71 currence of both houses may be necessary, (except on the question of adjournment,) shall be presented to the Governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be re-passed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Sec. 27. No State office shall be continued or created for the
72 inspection or measuring of any merchandise, manufacture, or commodity, but any county or municipality may appoint such officers when authorized by law.

Sec. 28. No law changing the location of the capital of the
73 State shall be valid, until the same shall have been submitted to the qualified electors of the Commonwealth at a general election, and ratified and approved by them.

Sec. 29. A member of the General Assembly who shall solicit,
74 demand, or receive or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value, or enjoyment, or of personal advantage, or promise thereof, for his vote, or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be, in any way, influenced thereby, or who shall solicit, or demand any such money, or other advantage, matter, or thing aforesaid for another, as the consideration of his vote or official influence or for withholding the same, or shall give, or withhold his vote or influence, in con-

sideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offense, and such additional punishment as is or shall be provided by law.

Sec. 30. Any person who shall, directly or indirectly, offer, give, or promise, any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law. 75

Sec. 31. The offense of corrupt solicitation of members of the General Assembly, or of public officers of the State, or of any municipal division thereof, and any occupation, or practice of solicitation, of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. 76

Sec. 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding, against any person, who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office of honor, trust, or profit in this Commonwealth. 77

Sec. 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon. 78

ARTICLE IV

The Executive

Sec. 1. The executive department of this Commonwealth shall consist of a Governor, lieutenant-governor, secretary of the Commonwealth, attorney general, auditor-general, State-treasurer, secretary of internal affairs, and a superintendent of public instruction. 79

Sec. 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for representatives. The returns of every elec- 80

tion for Governor shall be sealed up and transmitted to the seat of government, directed to the president of the senate, who shall open and publish them in the presence of the members of both houses of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the General Assembly, and formed and regulated in such a manner as shall be directed by law.

Sec. 3. The Governor shall hold his office during four years,
81 from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

Sec. 4. A lieutenant-governor shall be chosen at the same
82 time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be president of the senate, but shall have no vote unless they be equally divided.

Sec. 5. No person shall be eligible to the office of Governor
83 or lieutenant-governor, except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.

Sec. 6. No member of Congress, or person holding an office
84 under the United States or this State, shall exercise the office of Governor or lieutenant-governor.

Sec. 7. The Governor shall be commander-in-chief of the
85 army and navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Sec. 8. He shall nominate, and, by and with the advice and
86 consent of two-thirds of all the members of the senate, appoint a secretary of the Commonwealth and an attorney-general during pleasure, a superintendent of public instructon for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen in offices to which he may appoint, during the recess of the senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the senate, in the office of auditor-general, State-treasurer, secretary of internal affairs, or superintendent of public instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the senate, the Governor shall nominate to the senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy in an elective office, a person shall be chosen to said office at the

next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case the election for said office shall be at the second succeeding general election. In acting on executive nominations the senate shall sit with open doors, and in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the journal.

Sec. 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentences, and pardons, except 87
in cases of impeachment; but no pardon shall be granted nor sentence commuted, except upon the recommendation, in writing, of the lieutenant-governor, secretary of the Commonwealth, attorney-general and secretary of internal affairs, or any three of them, after full hearing, upon due public notice and in open session; and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the secretary of the Commonwealth.

Sec. 10. He may require information, in writing, from the officers of the executive department, upon any subject relating 88
to the duties of their respective offices.

Sec. 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and rec- 89
ommend to their consideration such measures as he may judge expedient.

Sec. 12. He may on extraordinary occasions, convene the General Assembly; and in case of disagreement between the two 90
houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the senate in extraordinary session by proclamation, for the transaction of executive business.

Sec. 13. In case of the death, conviction or impeachment, fail- 91
ure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the lieutenant-governor.

Sec. 14. In case of a vacancy in the office of lieutenant-gov- 92
ernor, or when the lieutenant-governor shall be impeached by the house of representatives, or shall be unable to exercise the duties of his office, the powers, duties, and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the president **pro tempore** of the senate; and the president **pro tempore** of the senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the senate.

Sec. 15. Every bill which shall have passed both houses shall 93
be presented to the Governor; if he approve he shall sign it;

but if he shall not approve he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon their journal and proceed to reconsider it. If, after such re-consideration, two-thirds of all the members elected to the house shall agree to pass the bill, it shall be sent with the objections, to the other house, by which likewise it shall be re-considered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return; in which case it shall be a law, unless he shall file the same with his objections, in the office of the secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

Sec. 16. The Governor shall have power to disapprove of any
94 item or items of any bill making appropriation of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Sec. 17. The chief-justice of the supreme court shall preside
95 upon the trial of any contested election of Governor or lieutenant-governor, and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and lieutenant-governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Sec. 18. The secretary of the Commonwealth shall keep a rec-
96 ord of all official acts and proceedings of the Governor, and when required, lay the same, with all papers, minutes, and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

Sec. 19. The secretary of internal affairs shall exercise all the
97 powers, and perform all the duties of the surveyor-general, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber, and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times

as may be required by law, make report to the General Assembly.

Sec. 20. The superintendent of public instruction shall exercise all the powers and perform all the duties of the superintendent of common schools, subject to such changes as shall be made by law. 98

Sec. 21. The term of the secretary of internal affairs shall be four years; of the auditor-general, three years; and of the State-treasurer, two years. These officers shall be chosen by the qualified electors of the State at general elections. No person elected to the office of auditor-general or State-treasurer shall be capable of holding the same office for two consecutive terms. 99

Sec. 22. The present great seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal, and signed by the Governor. 100

ARTICLE V

The Judiciary

Sec. 1. The judicial power of this Commonwealth shall be vested in a supreme court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, and in such other courts as the General Assembly may from time to time establish. 101

Sec. 2. The supreme court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice. 102

Sec. 3. The jurisdiction of the supreme court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of **habeas corpus,** of **mandamus** to courts of inferior jurisdiction, and of **quo warranto** as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction: they shall have appellate jurisdiction by appeal, **certiorari,** or writ of error, in all cases, as is now or may hereafter be provided by law. 103

Sec. 4. Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein changed; not more than four counties shall at any time, 104

be included in one judicial district organized for said courts.

Sec. 5. Whenever a county shall contain forty thousand in-
105 habitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in law, is abolished in counties forming separate districts; but the several associate judges in office when the Constitution shall be adopted shall serve for their unexpired terms.

Sec. 6. In the counties of Philadelphia and Allegheny all the
106 jurisdiction and powers now vested in the district courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be, in Philadelphia, vested in four and in Allegheny in two, distinct and separate courts of equal and coordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three, and number four, and in Allegheny as the court of common pleas number one and number two, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia, all suits shall be instituted in the said courts of common pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court; and each court to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny each court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue, as may be provided by law.

Sec. 7. For Philadelphia there shall be one prothonotary's
107 office and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be

by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket, which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

Sec. 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn, detail 108
one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

Sec. 9. Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter 109
sessions of the peace and general jail delivery, and of the orphans' court, and within their respective districts, shall be justices of the peace as to criminal matters.

Sec. 10. The judges of the courts of common pleas, within their respective counties, shall have the power to issue writs of 110
certiorari to justices of the peace, and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

Sec. 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen, shall be elected in the several 111
wards, districts, boroughs, and townships at the time of the election of constables by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district, or borough shall elect more than two justices of the peace or aldermen, without the consent of a majority of the qualified electors within such township, ward, or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward, or district, for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

Sec. 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police 112
and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be five years, and they shall be elected on general ticket by the qualified voters at large; and in the election of said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

Sec. 13. All fees, fines, and penalties in said courts shall be
113 paid into the county treasury.

Sec. 14. In all cases of summary conviction in this Common-
114 wealth, or of judgment in suit for a penalty before a magistrate or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court, or judge thereof, upon cause shown.

Sec. 15. All judges required to be learned in the law, except
115 the judges of the supreme court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well: but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each house of the General Assembly.

Sec. 16. Whenever two judges of the supreme court are to be
116 chosen for the same term of service, each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Sec. 17. Should any two or more judges in the supreme court,
117 or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

Sec. 18. The judges of the supreme court and the judges of
118 the several courts of common pleas, and all other judges required to be learned in the law, shall, at stated times, receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees, or perquisites of office, for their services from any source, nor hold any other office of profit under the United States, this State, or any other State.

Sec. 19. The judges of the supreme court, during their con-
119 tinuance in office, shall reside within this Commonwealth; and the other judges during their continuance in office shall reside within the districts for which they shall be respectively elected.

Sec. 20. The several courts of common pleas, besides the
120 powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

Sec. 21. No duties shall be imposed by law upon the supreme
121 court or any of the judges thereof except such as are judicial; nor shall any of the judges exercise any power of appointment except as herein provided. The court of **nisi prius** is hereby abol-

ished, and no court of original jurisdiction to be presided over by any one or more of the judges of the supreme court shall be established.

Sec. 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and 122
in any other county may, establish a separate orphans' court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts, and thereupon the jurisdiction of the judges of the court of common pleas within such county, in orphans' court proceedings, shall cease and determine. In any county in which a separate orphans' court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate orphans' court, shall be audited by the said court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county orphans' courts shall possess all the powers and jurisdiction of a registers' court, and separate registers' courts are hereby abolished.

Sec. 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the 123
name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

Sec. 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused, after 124
conviction and sentence, may remove the indictment, record, and all proceedings to the supreme court for review.

Sec. 25. Any vacancy happening by death, resignation, or otherwise, in any court of record, shall be filled by appointment 125
by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

Sec. 26. All laws relating to courts shall be general, and of uniform operations, and the organization, jurisdiction, and pow- 126
ers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans' courts.

Sec. 27. The parties by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case 127
to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error, as in other cases.

ARTICLE VI

Impeachment and Removal from Office

Sec. 1. The house of representatives shall have the sole power
128 of impeachment.

Sec. 2. All impeachments shall be tried by the senate. When
129 sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

Sec. 3. The Governor, and all other civil officers, shall be lia-
130 ble to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

Sec. 4. All officers shall hold their offices on the condition
131 that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office, or of any infamous crime. Appointed officers, other than judges of the courts of record and the superintendent of public instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, lieutenant-governor, members of the General Assembly, and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the senate.

ARTICLE VII

Oath of Office

Sec. 1. Senators and representatives, and all judicial State,
132 and county officers, shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any moneys or other valuable

thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the supreme court, shall be filed in the office of the secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the senate and house of representatives shall be administered by one of the judges of the supreme court or of a court of common pleas, learned in the law, in the hall of the house to which the members shall be elected.

ARTICLE VIII

Suffrage and Elections

Sec. 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact: 133

First. He shall have been a citizen of the United States at least one month.

Second. He shall have resided in the State one year (or, having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months), immediately preceding the election.

Third. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

Fourth. If twenty-two years of age and upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

Sec. 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the General Assembly may by law fix a different day, two-thirds of all the members of each house consenting thereto. 134

Sec. 3. All elections for city, ward, borough and township officers, for regular terms of service, shall be on the third Tuesday of February. 135

Sec. 4. All elections by the citizens shall be by ballot or by 136

such other method as may be prescribed by law: Provided, That secrecy in voting be preserved.

Sec. 5. Electors shall in all cases, except treason, felony and
137 breach or surety of the peace, be privileged from arrest during their attendance on elections, and going to and returning therefrom.

Sec. 6. Whenever any of the qualified electors of this Com-
138 monwealth shall be in actual military service, under a requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are, or shall be, prescribed by law, as fully as if they were present at their usual places of election.

Sec. 7. All laws regulating the holding of elections by the cit-
139 izens or for the registration of electors shall be uniform throughout the State, but laws regulating and requiring the registration of electors may be enacted to apply to cities only: Provided, That such laws be uniform for cities of the same class.

Sec. 8. Any person who shall give, or promise or offer to
140 give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Sec. 9. Any person who shall, while a candidate for office, be
141 guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of willful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Sec. 10. In trials of contested elections and in proceedings for
142 the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony.

Sec. 11. Townships and wards of cities or boroughs, shall
143 form or be divided into election districts of compact and contiguous territory, in such manner as the court of quarter sessions of the city or county in which the same are located may direct;

but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of quarter sessions having jurisdiction therein whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

Sec. 12. All elections by persons in a representative capacity 144
shall be **viva voce.**

Sec. 13. For the purpose of voting no person shall be deemed
to have gained a residence by reason of his presence, or lost it by 145
reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poor-house or other asylum at public expense, nor when confined in public prison.

Sec. 14. District election boards shall consist of a judge and
two inspectors, who shall be chosen annually by the citizens. 146
Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of court of record, or judge thereof, for an election fraud, for felony, or wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

Sec. 15. No person shall be qualified to serve as an election
officer who shall hold, or shall within two months have held, an 147
office, appointment, or employment in or under the government of the United States or of this State, or of any city or county, or of any municipal board, commission, or trust in any city, save only justices of the peace, and aldermen, notaries public, and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

Sec. 16. The courts of common pleas of the several counties
of the Commonwealth shall have power, within their respective 148
jurisdictions, to appoint overseers of election to supervise the proceedings of election officers, and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election districts, setting forth that such appointment is a reasonable precaution to secure the purity and fairness

of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties. Whenever the members of an election board shall differ in opinion, the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election, all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

Sec.17. The trial and determination of contested elections of
149 Electors of President and Vice-President, members of the General Assembly, and of all public officers, whether State, judicial, municipal, or local, shall be by the courts of law, or by one or more of the law judges thereof; the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial, and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

ARTICLE IX

Taxation and Finance

Sec. 1. All taxes shall be uniform, upon the same class of sub-
150 jects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of a purely public charity.

Sec. 2. All laws exempting property from taxation, other than
151 the property above enumerated, shall be void.

Sec. 3. The power to tax corporatons and corporate property
152 shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

Sec. 4. No debt shall be created by or on behalf of the State,
153 except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million of dollars.

Sec. 5. All laws authorizing the borrowing of money by and
154 on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified, and no other.

Sec. 6. The credit of the Commonwealth shall not be pledged
155 or loaned to any individual, company, corporation or association,

nor shall the Commonwealth become a joint-owner or stockholder in any company, association or corporation.

Sec. 7. The General Assembly shall not authorize any county, city, borough, township, or incorporated district to become a 156
stockholder in any company, associaton or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution, or individual.

Sec. 8. The debt of any county, city, borough, township, school district, or other municipality or incorporated district, 157
except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.

Sec. 9. The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough, or township, unless 158
such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

Sec. 10. Any county, township, school district, or other municipality, incurring any indebtedness, shall, at or before the time 159
of so doing, provide for the collection of an annual tax, sufficient to pay the interest, and also the principal thereof within thirty years.

Sec. 11. To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General As- 160
sembly shall continue and maintain the sinking fund sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of public works, or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together wth other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes, or other revenues of the State, not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

Sec. 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the 161
State, either directly or through the sinking fund, and the mon-

eys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States, or of this State.

Sec. 13. The moneys held as necessary reserve shall be limit-
162 ed by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published, showing the amount of such moneys, where the same are deposited and how secured.

Sec. 14. The making of profit out of the public moneys, or
163 using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor, and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

ARTICLE X

Education

Sec. 1. The General Assembly shall provide for the mainten-
164 ance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth, above the age of six years, may be educated, and shall appropriate at least one million dollars each year for that purpose.

Sec. 2. No money raised for the support of the public schools
165 of the Commonwealth, shall be appropriated to, or used for, the support of any sectarian school.

Sec. 3. Women twenty-one years of age and upwards shall be
166 eligible to any office of control or management under the school laws of this State.

ARTICLE XI

Militia

Sec. 1. The freemen of this Commonwealth shall be armed,
167 organized and disciplined for its defense, when, and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia, by appropriations from the treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

ARTICLE XII

Public Officers

168 Sec. 1. All officers, whose election is not provided for in this

Constitution, shall be elected or appointed, as may be directed by law.

Sec. 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or 169
profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees, or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

Sec. 3. Any person who shall fight a duel, or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall 170
be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII

New Counties

Sec. 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less 171
than twenty thousand inhabitants, nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

ARTICLE XIV

County Officers

Sec. 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commission- 172
ers, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys, and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

Sec. 2. County officers shall be elected at the general elections, and shall hold their offices for the term of three years be- 173
ginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law.

Sec. 3. No person shall be appointed to any office within any county, who shall not have been a citizen and an inhabitant 174
therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Sec. 4. Prothonotaries, clerks of the courts, recorders of
175 deeds, registers of wills, county surveyors, and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

Sec. 5. The compensation of county officers shall be regulated
176 by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

Sec. 6. The General Assembly shall provide by law for the
177 strict accountability of all county, township and borough officers, as well as for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

Sec. 7. Three county commissioners and three county audit-
178 ors shall be elected in each county where such officers are chosen, in the year one thousand eight hundred and seventy-five and every third year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

ARTICLE XV

Cities and City Charters

Sec. 1. Cities may be chartered whenever a majority of the
179 electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

Sec. 2. No debt shall be contracted or liability incurred by
180 any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

Sec. 3. Every city shall create a sinking fund, which shall be
181 inviolably pledged for the payment of its funded debt.

ARTICLE XVI

Private Corporations

182 Sec. 1. All existing charters, or grants of special or exclusive

privileges, under which a **bona fide** organization shall not have taken place and business commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Sec. 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend 183
the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Sec. 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assem- 184
bly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State

Sec. 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole num- 185
ber of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Sec. 5. No foreign corporation shall do any business in this State without having one or more known places of business and 186
an authorized agent or agents in the same upon whom process may be served.

Sec. 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or 187
hold any real estate except such as may be necessary and proper for its legitimate business.

Sec. 7. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and 188
all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after sixty days notice given in pursuance of law.

Sec. 8. Municipal and other corporations and individuals in- 189
vested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury, or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise;

and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury, according to the course of the common law.

Sec. 9. Every banking law shall provide for the registry and
190 countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the auditor-general for the redemption of such notes or bills.

Sec. 10. The General Assembly shall have the power to alter,
191 revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever, in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Sec. 11. No corporate body to possess banking and discount-
192 ing privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

Sec. 12. Any association or corporation, organized for the
193 purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company owning a competing line or acquire, by purchase or otherwise, any other competing line of telegraph.

Sec. 13. The term "corporations," as used in this article, shall
194 be construed to include all joint-stock companies or associations having any of the powers, or privileges of corporations, not possessed by individuals or partnerships.

ARTICLE XVII

Railroads and Canals

Sec. 1. All railroads and canals shall be public highways, and
195 all railroad and canal companies shall be common carriers. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right

with its road to intersect, connect with, or cross, any other railroad; and shall receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

Sec. 2. Every railroad and canal corporation organized in this State, shall maintain an office therein, where transfers of its 196
stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed, or paid in, and by whom, the names of the owners of its stock, and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

Sec. 3. All individuals, associations, and corporations shall have equal right to have persons and property transported over 197
railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction, to any more distant station; but excursion and commutation tickets may be issued at special rates.

Sec. 4. No railroad, canal, or other corporation, or the lessees, purchasers, or managers of any railroad or canal corporation, 198
shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works, or franchises of, or in any way control any other railroad or canal corporation, owning, or having under its control, a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation, owning, or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

Sec. 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage 199
in mining or manufacturing articles for transportation over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

Sec. 6. No president, director, officer, agent, or employé of any railroad or canal company shall be interested, directly or in- 200
directly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

Sec. 7. No discrimination in charges or facilities for trans-
201 portation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise, and no railroad or canal company, or any lessee, manager, or employé thereof, shall make any preferences in furnishing cars or motive power.

Sec. 8. No railroad, railway, or other transportation company
202 shall grant free passes, or passes at less than the usual rate to any person except officers or employés of the company.

Sec. 9. No street passenger railway shall be constructed with-
203 in the limits of any city, borough or township, without the consent of its local authorities.

Sec. 10. No railroad, canal, or other transportation company,
204 in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

Sec. 11. The existing powers and duties of the auditor-general
205 in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the secretary of internal affairs, who shall have general supervision over them, subject to such regulations and alterations as shall be provided by law; and in addition to the annual reports now required to be made, said secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

Sec. 12. The General Assembly shall enforce by appropriate
206 legislation the provisions of this article.

ARTICLE XVIII

Future Amendments

Sec. 1. Any amendment or amendments to this Constitution
207 may be proposed in the senate or house of representatives; and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner and at such time, at least three months after being so agreed to by the two houses, as the General Assembly shall prescribe; and, if

such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submited they shall be voted upon separately.

Three amendments to Article VIII were ratified by the people November 5, 1901, and have been inserted in their proper place in the Constitution as given above. These sections formerly read as follows:—

Sec. 1. Every male citizen twenty one years of age possessing the following qualifications shall be entitled to vote at all elec- 208
tions: First. He shall have been a citizen of the United States at least one month. Second. He shall have resided in the State one year (or if having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election. Third. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election. Fourth. If twenty-two years of age or upwards he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

Sec. 4. All elections by the citizens shall be by ballot. Every 209
ballot voted shall be numbered in the order in which it shall be received, and the numbers recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket, or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

Sec. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform through- 210
out the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

CONSTITUTION OF THE UNITED STATES

PREAMBLE

A "We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

ARTICLE I

B **Sec. 1.** All Legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

C **Sec. 2.** The House of Representatives shall be composed of members chosen every second year by the people of the several
1 States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have at-
2 tained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among
3 the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representative shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania,

eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill 4
such vacancies.

The House of Representatives shall choose their Speaker, and 5
other officers; and shall have the sole power of impeachment.

Sec. 3. The Senate of the United States shall be composed of **D**
two Senators from each State, chosen by the Legislature there-
of, for six years; and each Senator shall have one vote. 1

Immediately after they shall be assembled in consequence of
the first election, they shall be divided as equally as may be into 2
three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to
the age of thirty years, and been nine years a citizen of the Uni- 3
ted States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of
the Senate, but shall have no vote, unless they be equally divided. 4

The Senate shall choose their other officers, and also a Presi-
dent **pro tempore,** in the absence of the Vice-President, or when 5
he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments.
When sitting for that purpose, they shall be on oath or affirma- 6
tion. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further
than to removal from office, and disqualification to hold and en- 7
joy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Sec. 4. The times, places, and manner of holding elections for **E**
Senators and Representatives shall be prescribed in each State
by the Legislature thereof; but the Congress may at any time, 1
by law, make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and
such meeting shall be on the first Monday in December, unless 2
they shall by law appoint a different day.

F Sec. 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of
1 each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence
2 of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from
3 time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without
4 the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

G Sec. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid
1 out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which
2 he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

H Sec. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or con-
1 cur with amendments as in other bills.

Every bill which shall have passed the House of Representa-
2 tives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting

for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Sec. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively

the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over
17 such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—and

To make all laws which shall be necessary and proper for car-
18 rying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Sec. 9. The migration or importation of such persons as any
J of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand
1 eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of **habeas corpus** shall not be sus-
2 pended, unless when in cases of rebellion or invasion the public safety may require it.

3 No bill of attainder or **ex-post-facto** law shall be passed.

4 No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5 No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce
6 or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury but in conse-
7 quence of appropriations made by Law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States;
8 and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

K **Sec. 10.** No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money;
1 emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, **ex-post-facto** law, or law impairing the obligation of contracts, or grant any title of nobility.

2 No State shall, without the consent of the Congress, lay any

impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and impost, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships-of-war, in time of peace, enter 3
into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

Sec. 1. The Executive power shall be vested in a President of L
the United States of America. He shall hold his office during a
term of four years, and, together with the Vice-President, chosen 1
for the same term, be elected as follows:

Each State shall appoint, in such manner as the Legislature
thereof may direct, a number of Electors, equal to the whole 2
number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding any office of trust or profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more

who have equal votes, the Senate shall choose from them by ballot the Vice-President.] **Repealed by Am. 12.**

The Congress may determine the time of choosing the Elec-
3 tors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the
4 United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his
5 death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a
6 compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take
7 the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

M **Sec. 2.** The President shall be Commander-in-chief of the army and navy of the United States, and of the militia of the
1 several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of
2 the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3 The President shall have power to fill up all vacancies that

may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Sec. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States. N

Sec. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. O

ARTICLE III

Sec. 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. P

Sec. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States,—between a State and citizens of another State,—between citizens of different States,—between citizens of the same State claiming lands under grants of different States,—and between a State, or the citizens thereof, and foreign states, citizens, or subjects. Q 1

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make. 2

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed. 3

Sec. 3. Treason against the United States shall consist only in
R levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testi-
1 mony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of
2 treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV

Sec. 1. Full faith and credit shall be given in each State to
S the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Sec. 2. The citizens of each State shall be entitled to all priv-
T 1 ileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other
2 crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws
3 thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Sec. 3. New States may be admitted by the Congress into this
U Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the
1 junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all
2 needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Sec. 4. The United States shall guarantee to every State in
V this Union a republican form of government; and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses of the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate. W

ARTICLE VI

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. X

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same. Y

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth.

In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE
John Langdon,
Nicholas Gilman.

MASSACHUSETTS
Nathaniel Gorham,
Rufus King.

CONNECTICUT
William Samuel Johnson,
Roger Sherman.

NEW YORK
Alexander Hamilton.

NEW JERSEY
William Livingston,
David Brearley,
William Paterson,
Jonathan Dayton.

PENNSYLVANIA
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

DELAWARE
George Read,
Gunning Bedford, Jr.,
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND
James McHenry,
Daniel of St. Thomas Jenifer,
Daniel Carroll.

VIRGINIA
John Blair,
James Madison, Jr.

NORTH CAROLINA
William Blount,
Richard Dobbs Spaight,
Hugh Wiliamson.

SOUTH CAROLINA
John Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA
William Few,
Abraham Baldwin.

Attest: WILLIAM JACKSON, Secretary.

AMENDMENTS

Am. 1 ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.—A well regulated militia, being necessary to the security of a free State, the right of the people to keep and 2
bear arms shall not be infringed.

ARTICLE III.—No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time 3
of war, but in a manner to be prescribed by law.

ARTICLE IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable 4
searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.—No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or in- 5
dictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury 6
of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by 7
jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of common law.

ARTICLE VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments in- 8
flicted.

ARTICLE IX.—The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others 9
retained by the people.

ARTICLE X.—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are re- 10
served to the States respectively, or to the people.

ARTICLE XI.—The judicial power of the United States shall not be construed to extend in any suit in law or equity, com- 11
menced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.—The electors shall meet in their respective
12 States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate:—the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.—**Section 1.** Neither slavery nor involun-
13 tary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.—**Section 1.** All persons born or naturalized
14 in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall

abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or Elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume to pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims, shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.—**Section 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United 15
States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

LIST OF PRESIDENTS

No.	PRESIDENT	ELECTED FROM	BORN	DIED
1	George Washington	Virginia	1732	1799
2	John Adams	Massachusetts	1735	1826
3	Thomas Jefferson	Virginia	1743	1826
4	James Madison	Virginia	1751	1836
5	James Monroe	Virginia	1758	1831
6	John Quincy Adams	Massachusetts	1767	1848
7	Andrew Jackson	Tennessee	1767	1845
8	Martin VanBuren	New York	1782	1862
9	William H. Harrison	Ohio	1773	1841
10	John Tyler	Virginia	1790	1862
11	James K. Polk	Tennessee	1795	1849
12	Zachary Taylor	Louisiana	1784	1850
13	Millard Fillmore	New York	1800	1874
14	Franklin Pierce	New Hampshire	1804	1869
15	James Buchanan	Pennsylvania	1791	1868
16	Abraham Lincoln	Illinois	1809	1865
17	Andrew Johnson	Tennessee	1808	1875
18	Ulysses S. Grant	Illinois	1822	1885
19	Rutherford B. Hayes	Ohio	1822	1893
20	James A. Garfield	Ohio	1831	1881
21	Chester A. Arthur	New York	1830	1886
22	Grover Cleveland	New York	1837	1908
23	Benjamin Harrison	Indiana	1833	1901
24	Grover Cleveland	New York	1837	1908
25	William McKinley	Ohio	1843	1901
26	Theodore Roosevelt	New York	1858	....
27	William Howard Taft	Ohio	1857	....

AND VICE-PRESIDENTS

TERM OF OFFICE	ELECTED BY	VICE-PRESIDENTS
Two terms; 1789-1797	Whole People	John Adams.
One term; 1797-1801	Federalists	Thomas Jefferson.
Two terms; 1801-1809	Democratic-Republicans	Aaron Burr. George Clinton.
Two terms; 1809-1817	Democratic-Republicans	George Clinton. Elbridge Gerry.
Two terms; 1817-1825	Democratic-Republicans	Daniel D. Tompkins
One term; 1825-1829	House of Rep.	John C. Calhoun.
Two terms; 1829-1837	Democrats	John C. Calhoun. Martin VanBuren
One term; 1837-1841	Democrats	Richard M. Johnson
One month; 1841	Whigs	John Tyler.
3 years, 11 months; 1841-1845	Whigs	
One term; 1845-1849	Democrats	George M. Dallas.
1 year, 4 months; 1849-1850	Whigs	Millard Fillmore
2 years, 8 months; 1850-1853	Whigs	
One term; 1853-1857	Democrats	William R. King.
One term; 1857-1861	Democrats	J. C. Breckenridge.
One term, 6 weeks; 1861-1865	Republicans	Hannibal Hamlin. Andrew Johnson.
3 years, 10½ months; 1865-69	Republicans	
Two terms; 1869-1877	Republicans	Schuyler Colfax. Henry Wilson.
One term; 1877-1881	Republicans	William A. Wheeler
Six months and 15 days	Republicans	Chester A. Arthur.
3 years, 5 mos., 15 da.; 1881-85	Republicans	
One term; 1885-1889	Democrats	Thos. A. Hendricks.
One term; 1889-1893	Republicans	Levi P. Morton.
One term; 1893-1897	Democrats	Adlai E. Stevenson
1 term, 6 mos., 10 da.; 1897-01	Republicans	Garret A. Hobart. Theodore Roosevelt
3 y., 5 m., 20 d.; 1term; '01-'09	Republicans	Chas. W. Fairbanks
.....'09	Republicans	James S. Sherman

CHIEF JUSTICES OF THE FEDERAL SUPREME COURT

No.	CHIEF JUSTICE	TERM	Years	BORN	DIED	STATE
1	John Jay.....	1789-1795	6	1745	1829	New York
2	John Rutledge.....	1795-1795	..	1739	1800	S. Carolina
3	Oliver Ellsworth....	1796-1800	4	1745	1807	Connecticut
4	John Marshall.....	1801-1835	34	1755	1835	Virginia
5	Roger B. Taney.....	1836-1864	28	1777	1864	Maryland
6	Salmon P. Chase....	1864-1873	9	1808	1873	Ohio
7	Morrison R. Waite	1874-1888	14	1816	1888	Ohio
8	Melville W. Fuller..	1888-....	..	1833	....	Illinois

INDEX

Abolition of slavery, 282; vote of the House of Representatives, 282; accomplished in District of Columbia, 299.

Acts of Assembly, laws of Pennsylvania thus called, 63; become effective when, 71.

Adams, John, chosen President according to old plan of voting in 1797, with Thomas Jefferson as Vice-President, 231.

Adams, John Quincy, chosen President by House of Representatives in 1825, 231; a minority President, 233; not a popular President, but one of the best, 317; a change of 26,000 votes in Pennsylvania would have elected J. Q. Adams in 1828, 317.

Adjournment, power of the two houses in regard to, 71; of the Legislature by the Governor, 75; resolutions for need not be submitted to the Governor, 76.

Adjutant-general of Pennsylvania, 82; of the United States, 241.

Administration defined, 240.

Administrators appointed by the orphans' court, 331.

Admission of new States, 262; Oklahoma, 308.

Agriculture, secretary of in Pennsylvania, 80; Secretary of in United States, 245.

Alabama, limitation of suffrage in, 323.

Alaska, District of, 263.

Aldermen in cities in Pennsylvania, 40; justices of the peace are called aldermen in cities of the third class, 43.

Alien, defined, 9.

Allegheny, a city of the second class in 1906, 47, since united with Pittsburg.

Allegiance is transferred to the United States, 286.

Alliances, States cannot make separately, 222.

Almshouses, 32; duties of directors of the poor, 59.

Altgeld, Governor of Illinois, 266; did not call for assistance, 325.

Ambassadors, appointed by the President and confirmed by the Senate, 237; all foreign ambassadors received by the President, 237; duties and rank of, 246; salary of, 247; represent the person of the ruler, 247.

Amendments, to State constitution—how made, 183; recent, 184;—to the Federal Constitution,—consent of President not necessary, 238; how amendments may be made, 266; only process used, 267; exceptions to the power of amendment, 267; the most important clause in the Constitution, 268; a wise provision, 274; first ten amendments apply to United States government only, 274; approval of the celebrated thirteenth amendment by Lincoln voted not necessary, 282; what three great amendments did for reconstruction, 285.

Anglo-Saxon, race insists upon threefold division of sovereign power, 52.

Anti-trust laws, power of Congress, 327.
Appeal, the, 97; the case on, 107; manner of trial before the supreme court, 108.
Appointments to be made by the President, 237.
Apportionment of the State by the General Assembly, 70; of Representatives in Congress, 190.
Appropriation and tax bills, origin and relation, 198.
Appropriations, must be made by law, 221; for army not to exceed two years, 212; committee on, 332.
Approval, submission of bills for, not necessary, 76.
Arbitration, boards of, 325; of disputes among nations, 337.
Area, of Pennsylvania, 13; range of in townships, 28; minimum area of county, 51.
Aristocracy, defined, 5; not permitted under the Constitution, 266; feared before election of Jackson, 317.
Aristotle, a saying of, 6.
Arizona, a Territory, 262.
Arms, right of people to keep and bear, 182.
Army of the United States maintained, 212; strength of the different branches, 213; citizen-soldiery of United States, 213; officers of army tried by courts-martial, 215; and not subject to impeachment, 215; President is Commander-in-chief of army and navy, 237.
Army, State has no standing army, 182; State militia may be called into service of United States, 213.
Arthur, Chester A., succeeds to Presidency upon death of James A. Garfield, 1881, did not assume the office while Garfield lingered to his death, 235; takes oath of office in New York, 295.
Articles of Confederation, some survivals from, 193; defects of, 224, 252; a bond of union, 288.
Arts and Sciences to be promoted, 211.
Assemble, people have right to, 182; does not allow public tumult, 275.
Assembly, the first, 17; under Penn, 19; the General Assembly, 62.
Assessors, township, 32; borough, 39; board of, 45.
Associate judges in Pennsylvania, (103); drawing a jury, 95.
Assumption of State debts, 291.
Atchison, David R., assertion made concerning, 295.
Attainder, bills of, forbidden, 182; Congress cannot pass, 219; States cannot pass, 222.
Attorney-general, of Pennsylvania, 79; a member of the Board of Pardons and Board of Property, 87; of the United States, and order of succession to the Presidency, 235; head of the Department of Justice, 242.
Attorney-General of the United States, succession to the Presidency, 235; duties of, 242.
Auditor-general of Pennsylvania, 79; a member of several Boards and Commissions, 88.
Auditors, township, 33; in the city is called controller, 42; county, 57.
Australian ballot system in Pennsylvania, 114; how the names are arranged, 115.
Automobile, licenses for must be procured, 141.

Bail, excessive bail forbidden, 180; cannot be accepted for capital offenses, 181; defined, 181; court fixes amount of, 279.
Balances and Checks shown in Constitutional government, 272.
Ballot, the "Baker Ballot," 114; arrangement of names on, 115; specimen, 116; counting the ballots, 122; boxes, 123; primary, 130.

Banking commissioner of Pennsylvania, 84; salary of, 89; State banking laws, 145.
Bank-notes, National, 304.
Bankruptcy, definitions and laws, 207; State laws must be subject to the National law, 207.
Banks and savings institutions in Pennsylvania, 146.
Battleships and cruisers of the Navy, 214.
Barbarism, state of, 3.
Belknap, W. W., impeachment of, 197.
Benefits of civil society, 2.
Bigler, Gov. William, 161.
Bill, defined, 68; how passed, 69; where it may originate, 68; for revenue, 69; duties of Governor in regard to, 69; mode of passing in Congress, 201; what a "pocket veto" is, 202; how bills are sometimes defeated, 202.
Bill of rights, defined, 273; in the State constitution, 179-183; the desire for such bill, 273; first ten amendments to United States Constitution form a, 274.
Bimetallism, relation to nations, 303.
Blacklists, 325.
Blaine, James G., forbids the occupancy of Hawaii, 319.
Bland-Allison Act, purpose of, 345.
Blount, William, impeachment of, 197.
Board of health, of boroughs, 37; of cities, 44; the department of health, 86.
Board of pardons, 87.
Boards of arbitration, 325.
Bonds, corporate, 146; of the United States, 205 and 208.
Borough, defined, 37; how made, 37 chief burgess and other officers of, 37; council of, 38; divisions of, 38.
Borrow money, Congress has power to, 205.
Boundaries of Pennsylvania, 13; by charter, 14; lines of, 15.
Boycotts, 301 and 325.
Bribery, penalty for, 121.
Broad construction, 217.
Buchanan, James, a minority President, 233.
Burr, Aaron, and the Presidency in 1801, 231; action of Chief Justice Marshall, 309; dies in poverty, 310.
Burrowes, drafts the normal school law, 161.
Bureau of Engraving, 208; of Animal Industry, 245; of Corporations, 246; of Immigration, and Naturalization, 246; of Statistics, 246; of Ethnology, 251; of American Republics, 251; of Manufactures, 304.
Butler, Benjamin F., declares negroes contraband of war, 298; remarks concerning greenbacks, 331.

Cabinet, members of, 239; concerning relation to Congress, 343; quotation from Confederate Constitution concerning, 344.
Calhoun, proposes dual executive plan, 296.
California, gives eight votes for Cleveland in 1892, 229; Chinese laborers cannot be employed on public works in, 325; demanded legislation, 333.
Campaign, political, 128.
Canada, imposes head tax on Chinese immigrants, 334.
Canals, 151.
Capital, National, location of, 291.
Capitation tax,—poll tax, 203; must be proportionate to the population, 220.
Carnegie Technical School, 173.
Census, Bureau, 246.
Certificates of identification, 333 and 335.
Cervera, Admiral Pascual, 338.
Charles the Second pays a debt, 16.
Charter of Privileges, 21.
Chase, Samuel, Impeachment of, 197.
Checks and balances, a government of,

271; equal and impartial justice, 272.
Chicago, great railroad strike of 1894, 266.
Chief burgess of borough, 37.
Chicago, great strike in, 266.
Chief Justice presides at impeachment trial of President, 196; administers the oath of office to the President, 236; salary of, 254.
Chile, strained relations with the United States, 338.
China, treaty of 1881, 334.
Chinese born in this country are citizens, 335.
Chinese laborers and the immigration laws, 334.
Chinese, the naturalization of, prohibited, 10, 206; their children born in this country are citizens, 233; "coolies" and the labor laws, 333; evasion of immigration laws, 335; difficulty of identification, 336.
Chisholm vs. Georgia, 280.
Church and state, union of forbidden, 269, 275.
Circuit Court of Appeals, 211, 256.
Circuit Courts of the United States, 187; of Appeals, 256; no separate judges of Court of Appeals, 256; decisions final in certain cases, 256; a district judge sometimes sits as a circuit judge, 257.
Circulating medium, 313.
Cities in Pennsylvania, 39; date of beginning, 39; three classes, 39; charters, 40; government of, 40-50; vital problems in, 50; corporate powers, 49; of the first class, 45-47; of the second class in Pennsylvania, 47; government of, 48; taxes in, 138; sinking fund shall be created, 139.
Citizen, defined, 9; rights of, 9; of the State and of the United States, 8; privileges of, 260; privileges of, defined and partially enumerated, 283.
Citizenship, defined, 8; how gained, 9; defined in the fourteenth amendment, 111,-283; application for, 125; relation to the right to vote, 206; some children born abroad are citizens, 226; does not necessarily imply right to vote, 284.
Civic courage, 347.
Civic duty, 305.
Civil cases or suits in Pennsylvania, 95; county courts, 99; in United States Courts, 256, 278.
Civil engineer, the city, 45.
Civil liberty, defined, 8.
Civil rights, entire domain of, not under control of Congress, 284.
Civil service reform, 248; Commission, 248; number of persons classified, 248.
Civil War and the amendments to U. S. Constitution, 282-286; main issues of, 310; no formal declaration of war, 311.
Claims for emancipation of slaves must not be paid, 206.
Claims of the Penn family purchased, 23; British government votes a pension, 291.
Classes of Senators, 194.
Clay, Henry, has votes for the Presidency in 1825, 231; first of modern speakers, 322.
Clearing ships, 220.
Clerk, of the courts, 55; of the orphans' court, 56; of the House of Representatives, 192; in the Senate, 195.
Clerks, of townships, 33; of elections, 35; of councils, 38; of senate, 66; chief clerk of the house of representatives, 66.
Cleveland, Grover, receives divided votes of several States in 1892, 229; a minority President, 232; uses troops to quell riots, 266; orders out troops, 325; plurality for, 351.
Clinton, George, Vice-President, 339.
Coasting trade in relation to American ships, 221.

Coins and coinage, 207; gold and silver, 303; minor coins, 304; relation to circulating medium, 313; free coinage, 329.
Collector of delinquent taxes, 48.
Collector of taxes, 33; in some counties, 57.
College and university council, members of, 88.
Colman, Norman J., first Secretary of Agriculture, 293.
Colon and Panama, cities not in grant to United States, 307.
Colonies, government in Southern, 26; in New England, 27; government in Middle colonies, 27.
Commerce and Labor, Secretary of, 246.
Commerce, power to regulate, 206; interstate, 206; Interstate Commerce Commission, 249.
Commissioner, of banking, 84; of insurance, 85; of health, 86; of forestry, 85; of fisheries, 89; of highways, 89, 140; Commissioner of Patents, 211; of Civil Service, 248; United States commissioners, 314.
Commissioner of Education, 245.
Commissioner of Fisheries, 246.
Commissioner of Labor, 246.
Commissioner of Pensions, 245.
Commissions to be granted by the President, 238.
Committee on Rules, 201.
Committees, enactment of laws expedited by, 68; power in each house of Congress, 200; by whom appointed, 201; some important ones, 330 and 331.
Common law recognized and established, 277 and 278.
Commonwealth, the term defined, 6; the founder of the, 15; secretary of, 77.
Common pleas court in Pennsylvania, 55, 99; jurisdiction of, 99.
Common schools, 153, 173.
Compensation, of a Representative, 193; of a Federal Senator, 196.
Compromises of the Constitution, 193; slave-trade, 218; representation of States, 270; direct taxes, 270; regulation of commerce, 270; relation of the States, 271.
Compulsory education, in Pennsylvania, 167.
Concurrent powers, defined, 316; enumerated, 316.
Confederate debt must not be paid, 206.
Confederation, Articles of, defective, yet a bond of union, 288.
Congress (Continental) advises the conventions of each colony, 174.
Congress (of the Confederation) enacts Ordinance of 1787, 265.
Congress, National, 189; bicameral, 189; representatives in, 189; delegates to, 190; ratio of representation in House, 190; number of Senators in, 194; must meet at least once every year, 198; long and short sessions, 198; extra sessions may be called by the President, 198; the term, "a Congress," 198; known by numbers, 198; regulation of adjournment of the houses, 199; delegated powers, 203; has power to levy direct taxes, 204; duties levied, 204; history of number of special sessions, 199; members debarred from certain offices, 199; privileges and disabilities of members, 199; contests and quorum, 200; rules and journals, 200; expulsions, 200; committees, 200; mode of passing bills, 200; powers of, 203; delegated powers of, 203; power to tax, 203; implied powers of, 215; powers denied to, 218-221; powers of Congress alone, 219; has power to regulate interstate commerce, 249; establishes and ordains inferior Federal courts, 253; admits new States, 262; has power to establish terri-

torial governments, 262; as a city council, 310; right to prohibit slavery in the Territories questioned, 311.

Congress of the Confederation, its chief glory, 265; passes an act putting the new Constitution in effect, 342.

Congressional Library, 250.

Congressmen-at-large, 191.

Connecticut claims part of Pennsylvania, 15; plan proposed by delegates from, 270; requires educational qualification of voters, 323; ratifies the Federal Constitution, 341.

Constable, of township, 30; of boroughs, 37; in cities, 44; in Philadelphia, 46.

Constitution, every, a growth, 176 and 287.

Constitution of United States (text) appendix, (388-401); of Pennsylvania, appendix, (355-387).

Constitution of Pennsylvania, development of, 175; number of, 176; all constitutions a growth, 177; preamble and elements, 178; declaration of rights, 178; how amendments are made, 183; approval of Governor not necessary, 183; recent amendments, 184.

Constitution of the United States, the supreme law of the land, 186; a clear sketch of the fundamentals of good government, 186; how it may be amended, 266; supremacy of, 268; compromises of, 269, 270; the discussions concerning, 271; ratification of, 272.

Constitutional Rights, 275-283; free press, free speech, religious freebom, 275; to bear arms, 275; no quartering of soldiers, 276; security of home, person, and property, 276; of liberty and life, 277; common law rights, 277; as to prosecutions, 278; as to excessive bail, 279; exemption from cruel and unusual punishments; reserved rights, 279.

Construction of Constitution, broad, 217; strict, 217; powers under, 321.

Consuls, how appointed, 237; duties of, 247; reports of, 248; consular courts, 258.

Consular courts, 258.

Consular service, merit system in, 313.

Consulates, prestige in the East, 301; at Shanghai, China, 301.

Continental Congress, recommends adoption of proper governments by the colonies, 174.

Contraband of war, 298.

Contracts, laws impairing such obligations must not be passed, 182; Dartmouth college case, 223.

Controller audits all city accounts, 42.

Convention of 1787, men present, 290.

Conventions for proposing amendments to the Constitution, 267.

Conventions of political parties, how assembled, 128; how delegates are chosen, 130.

Coolies evade the laws, 333.

Copyrights, secured through Librarian of Congress, 211; duration, 211.

Coroner, 58.

Corporate powers of cities, 49.

Corporations, origin and classes, 142; how created, 143; defined, 144; the term as used in the constitution, 144; power of Legislature over, 144; police power of State, 145; compensation to individuals, 145; foreign, 145; cumulative voting in, 145; scope of business, 145; stocks and bonds of, 146; consolidation, 146; Governor approves charter, 146; bonus from, 146; Bureau of, 246; limitation of by government, 301; fair dealing with, 302.

Corruption of blood, meaning of term, 259.

Cortelyou, George B., first Secretary of Commerce and Labor, 293.
Cost of public schools in Pennsylvania, 165.
Council, borough, 38; select and common, in cities, 41.
Counterfeiting, punished by United States laws, 208.
Counties in Pennsylvania, 51-60; how erected, 51; seats of government, 51; officers of, 52-60; who may be officers of, 52; salaries of officers, 52.
Counting a quorum, 328.
County, commissioners, 52; executive officer of, 53; treasurer, 57; auditors, 57; solicitor, 58; surveyor, 58; superintendent of schools, 59; courts, 99.
County courts in Pennsylvania, 60, 99; judges and jurisdiction, 102, 103.
County-township system, 27; the county type, 25.
Court of Claims, 257.
Courts in Pennsylvania, 99; county, 100; juvenile, 100; superior, 105; supreme, 106; recording officers of, 104; ministerial officers of, 104.
Courts-martial, 215; jurisdiction of, 258.
Courts of equity, 305.
Courts of the United States, 187; Congress has power to establish the inferior courts, 211; Court of Claims, 296.
Crawford, W. H., has votes for the Presidency in 1825, 231.
Crimes, grave and petty, 99, 100.
Criminal courts in Pennsylvania, 99; relation to juvenile courts, 100; Governor's requisition, 74, and 260.
Criminal prosecutions, 277.
Criminals, surrender of, 261.
Cruel and unusual punishments forbidden, 279.
Cuba, relation to the United States, 263.
Cumulative voting, 145; a remedy for majority rule in corporations, 300.
Currency, that of the United States is uniform, 207; requirement of Currency Act of 1900, 313.
Curtin, Andrew G., policy as State superintendent of common schools, 161.
Custom-officers, duties of, 205.

Dartmouth College, famous case decided by Supreme Court of United States, 223.
Davis, Jefferson, Lincoln's call for troops a declaration of war against, 311.
Death of Penn, 22.
Debt, of Pennsylvania, 62; limit of in cities of the State, 138; no imprisonment for, 182; of United States, 205; cannot be repudiated, Am. 14; debts of Continental Congress paid, 268; debt of Confederacy of 1861 must not be paid, 205.
Decentralization of power, 27; a characteristic feature of American polity, 36.
Declaration of Independence, phrases of, echoed in the amendments, 274; a strong bond of union, 288; no voter should be ignorant of its contents, 288.
Deeds, recorder of, 56; such legal instruments must be recorded, 56.
Defense, measures for, under control of Congress, 212.
Delaware once a part of Pennsylvania by purchase, 16; included in the third judicial circuit, 257; not affected by the Emancipation Proclamation, 282; a banner State, 340.
Delegated powers of Congress, 202, 216, 321.
Delegates to Congress, rights of, 190.
Democracy, defined, 5; a false democracy, 332.
Democratic party, principle of strict construction, 217.

Demonetization, of silver in 1873, 345.
Department of mines, 86; salary of chief of, 90.
Departments in great cities, 45.
Departments of government three, 61; need of such division, 61; when the Governor exercises legislative power, 70; when the senate judges, 70; in National government, 186; not always separable, 188.
Dewey, George, Admiral, the President of the Naval Board, 244; at Manila Bay, 312; famous order of, 312.
Dieffenbach, Henry L., makes final draft of school law of 1854, 161.
Directors of the poor, 59.
Direct vote for President, 351.
Dispensary system of South Carolina, 281.
Distribution of powers, 315.
District attorney in Pennsylvania, 56.
District attorney of United States courts, 257.
District Courts of the United States, jurisdiction of, 256; number of districts and judges, 256; judges not limited to their own districts, 257; salary of, 257.
District of Columbia, the Federal District contains the seat of government, 215; citizens do not vote, 215; under direct jurisdiction of Congress, 215; executive and judicial officers appointed by the President, 215; Congress acts as the legislature of the District, 215, 257; courts of, 257; slavery abolished in, 299; commissioners of, 310.
Districts, senatorial and representative, 63; judicial, 101; judges of, 102.
Division of executive power, 251.
Drawing of jury panels, 95.
Dred Scott, decision concerning, 283; story of, 297; Missouri Compromise declared unconstitutional, 311.
Dual Executive, plan proposed by Calhoun to prevent difficulties, 296.
Dueling disqualifies, 110.
Dutch, founding of New York by, 317.
Duties, States cannot levy any upon imports or exports, 134; must be uniform, 203; are levied by the United States, 204; how collected, 205.

Economic zoologist, 81; salary of, 89.
Education, Commission of, 245.
Education in Pennsylvania, 153-174; early ideals, 153; schools, 154; the first incorporated academy, 155; a good record, 156; neighborhood schools, 156; educating the poor as a class, 157; a period of organization, 160; an educational revival, 160; establishment of normal schools, 161; names worthy of remembrance, 161; the district unit, 163; the school directors, 163; number of schools, 165; State expenditures for, 165; value of school property, 165; amount of State appropriation; free text-books, 166; required studies, 166; compulsory education, 167; what the people demand, 168; high schools, 168; three grades, 169; amount of aid given each grade annually, 169; training of teachers for the schools, 170; minimum salary, 171; teachers' certificates, 171; institutes, 171; higher education, 173.
Election, districts and officers, 34; of U. S. Senators, 70; of Governor, 72; returns of, 72; a contested, 75; officers, 113; times of, 113; officers are privileged, 114; counting the vote, 121; results of, 122; primary, 128.
Elective franchise, 111.
Electoral Commission, organization and work, 234; decision regarding Tilden, 351.

Electoral count bill, 234; how the vote is counted, 328.
Electors, Presidential, how nominated and chosen, 227, 228; meet to vote on the same day throughout the United States, 229.
Eligibility, for State senate, 64; for house of representatives, 64; for Governor, 72.
Ellsworth, Oliver, member of the Convention, 290; advocates adoption of the Federal Constitution, 341.
Emancipation Proclamation, 282; time of issue, 311.
Emigration, not forbidden, 183.
Eminent domain, 7; State's right of over corporations, 145; Federal government has right of, 277.
Enacting clause of State constitution, 178; elements of, 178; of Federal Constitution, 388.
England, obtains new rulers through the Revolution of 1688, 288.
Entering ships, 220.
Enumeration every ten years, 246.
Equalization of taxes, 135.
Equity, relation to law, 305; equity jurisdiction in Pennsylvania, 306; the great principles of, 349.
Estates of suicides, 182.
Evans, Rear-Admiral Robley D., retires from command of the great fleet, 339.
Ewing, Thomas, first Secretary of the Interior, 293.
Excessive fines forbidden, 279.
Excises, defined, 204; a source of Federal revenue, 204.
Executive boards and commissions, 87.
Execution, the, 97.
Executive department, of State, 72-90; of United States, 224-251.
Executive power is vested in the President, 225.
Executive, the Chief, first duty of, 225.
Exemption from taxation, 140.
Expansion, relation to the Pacific, 320.
Expenditures, National, 305.
Ex post facto laws, 182; National, 219; defined, 219; Congress must not pass, 219; refer to crimes only, 220.
Expulsions, powers of each house in regard to, 67.
Extradition, a duty, 260; power to surrender certain persons belongs only to Federal power, 261.
Extra sessions, of the State legislature, 74; of Congress, 198; history of, 199.

Factory inspector, duties of, 83; salary, 89.
Family, the simplest social unit, 1.
"Father of the Constitution," James Madison so called, 315.
Federal Courts, jurisdiction of, 253.
Federal district attorney, 257.
Federal government, outline of, 186-188.
Federalist, series of papers, 271; chief manual of the Constitution, 271; use of equity, 305; contributions by Madison, Jay, and Hamilton, 314.
Federal marshals, 257.
Feudalism established by the Normans, 287.
Filmore, Millard, succeeds President Taylor in 1850.
Filibustering, bills defeated by, 202; how done, 202; counting a quorum, 328.
Finances of the Federal government, 305.
Fines, excessive, forbidden, 279.
Fire marshall, the 44.
Fisheries, commissioner of, salary in Pennsylvania, 89.
Fiske, John, historian's estimate of men of 1787, 290.
Florida, two hostile sets of Electors in, 234.
Foreign postage, rates for, 210 and

244; foreign mail service, 244.
Forestry, commissioner of, in Pennsylvania, 85; salary of, 89.
Forms of government, 4.
Frame of government, Penn's, 18; outline of, 19; that of 1701, 22.
Franchise, elective, 111.
Franklin, Benjamin, sent to England, 23; founds the first incorporated academy, 155; president of State convention in 1776, 174; aids in establishing a single House of Assembly, 175; in the Constitutional Convention, 290.
Free coinage, defined, 329; of gold, 329; of silver, 330.
Freedom of the press guaranteed by the Constitution, 275.
Freedom of speech guaranteed by U. S. Constitution, 275.
Freedom, defined, 8; of the press, 8, 180; of speech, 8, 180; perfect religious, 20; elections free and equal, 180.
Free school act of 1834, 158.
Free speech guaranteed by the Federal Constitution, 275.
Free trade defined, 204.
Fugitive slaves, 260; laws concerning such class of persons are inoperative, 261.

Garfield, James A., a minority President, 233; dies in office, 235.
General agent of board of charities, salary of, 90.
General Assembly, first, 17; had small power at first, 18; legislative power vested in, 63; composition of, 63; term of service of members begins, 64; sessions of, 64; salary of members of, 65; privileges of members of, 65; organization of houses of, 65; legislation by, 66; bill in houses of, 68; when the acts go into effect, 71; adjournment of, 71.
General characteristics of local government, 24; decentralization, 36.
General Staff, members of, 241.
Genet, French diplomat, 340.
Georgia, did not prohibit the importation of slaves—the foreign slave-trade, 218; sued by Chisholm in the Supreme Court, 280; ratifies the Constitution, 341.
German immigrants, 317.
Gerrymandering, 191.
Gibson, Judge John B., statement by, 310.
Gladstone, a statement made by, 287, analytically misleading, 289.
Glenn, A. D., deputy State superintendent, 162.
Goethals, Col. George W., Chairman of Canal Commission, 307.
Gold certificates not completely legal tender, 208.
Gold coins, denominations of, 303.
Gold, monetary value of, 303; amount in circulation, 303; use as a standard of money values, 345.
Government, defined, 4; knowledge of necessary, 1; forms of, 4; object of, 6; dependence of, 17; Penn's frame of, 18; when free, 18; local units of government, 24; types of local, 24; elemental unit of civil, in Pennsylvania, 28; decentralization of, 36; three-fold division of powers of, 61; other features of State, 62; bases of government in Pennsylvania, 174; State constitutions, 174; the only State at first establishing a single House of Assembly, 175; the people supreme, 176; constitutions a growth, 177; outline of Federal, 186; branches of National, 187; receipts and expenditures of, 305.
Governor, powers of, under the Frame of Government, 19; may call special sessions of Legislature, 64; legislative powers of, in Pennsylvania, 69; may adjourn Legislature, 71; duties, of 72; supreme execu-

tive power vested in, 72; election of, 72; cannot serve two consecutive terms, 73; residence and salary, 73; powers of, 74; messages 74; office of, never vacant, 75; veto power of, 76; appoints officers, 77, 78, 79, 82-89; requisition in case of fugitives, 260.

Grades of culture, 2.

"Grandfather clause," 285; in Louisiana and Alabama, 324.

Grand jury, how constituted, 93; duties of, 94; institution of provided for, 94.

Grand jury in United States courts, 277; composition of, 277.

Grant, U. S., President, popular but did not receive third term, 226.

Great Britain, navy of, 214; power of, 321.

Great cities, departments in, 45; their vital problems, 50.

Great departments, the three, 61.

Great Law, the, 20; features of, 20.

Great seal, the, of Pennsylvania, 81; keeper of, 77.

Greenbacks, defined, 330; retired in large numbers in 1878, 330; reissued, 330; saying of General Butler concerning, 331.

Greenback party, demands an increase in paper money, 330.

Gresham's maxim, 331.

Guam, island, government of, 263; relation to naval base at Pearl Harbor, 320.

Guardians appointed by the probate or orphans' court, 331.

Guthrie, Mayor George W., our civic duty, 305.

Habeas Corpus, right of, 103; in superior court, 105; in supreme court, 107; shall not be suspended, 181; Congress has power to suspend, 219; suspension of writ by Lincoln, 219.

Hague Peace Conference, how disputes may be readily settled, 338.

Hamilton, Alexander, broad construction of the Constitution, 217; relation to "The Federalist," 271; urges States to adopt the Constitution, 273; member of Convention, 290; makes an agreement with Jefferson, 292; first Secretary of the Treasury, 292; defines use of equity, 305; famous report on public credit, 309.

Hancock, John, conciliates the opposition, 341.

Harrisburg, capital of State, 64; official residence of Governor, 73; superior court sits at, 106; supreme court holds one term annually at, 108.

Harrison, Benjamin, gets divided vote of Ohio, 229; a minority President, 233; Electoral vote for, 351.

Harrison, William H., dies in office, 235.

Hawaii, wholesale naturalization in the Territory, 206; a part of our Nation, and a source of revenue, 320; the central point of a circle of power, 320; great naval base at Pearl Harbor, 321.

Hayes, Rutherford B., a minority President, 233; become President by decision of Electoral Commission, 234 and 351.

Hazel township, largest in population, 28.

Health, board of, in boroughs, 37; board of, in cities, 44; commissioner of, 86; school directors of township act as such board, 162.

Henry, Patrick, opposed the ratification of Constitution, 216; the "sweeping clause," 216; remarks by, 341.

Hickok, Henry C., protects the county superintendency, 161.

Higbee, Elnathan E., services relating to common schools, 162.

High schools, value of, 168; how

graded, 169; courses in, and State aid given, 169.
Highway commissioner of Pennsylvania, salary of, 89; duties of, 141.
Homestead Act, 265.
Honesdale, first run of the "Stourbridge Lion," imported English locomotive, 152.
Hong Kong, Dewey departs from, 312.
Houck, Henry, deputy State superintendent, 162.
Householders, rights of, 276.
House of Representatives, see Congress.
Huguenots, immigration of, 317.
Humphries, W. H., impeachment of, 197.

Idaho, Chinese laborers cannot be employed upon public works in, 325.
Illegal searches forbidden, 276.
Illiterate negro males in various States, 323.
Immigration, in the United States, 317; changes in, 318; restrictive legislation, 318.
Immunities, of members of Congress, 199.
Impeachment, house of representatives has sole power of, 70; cases tried by the senate, 70; chief justice of the supreme court presides, 75; origin of, 109; officers liable, 109; in Congress, the House of Representatives has sole power of, 196; the Senate has sole power of trial, 196; Chief Justice presides, 196; punishment in case of, 196; convicted officers removed, 196; President cannot pardon in cases of, 237; all civil officers of United States are liable to, 196.
Impeachment of President Johnson, vote on, 353.
Implied powers of Congress, 215; exponent of, 217; a very important clause, 279; Thomas Jefferson's construction of, 321.
Import taxes in United States, 204; such duties cannot be levied by States, 222; costs of inspection service, 222.
Importation of slaves prohibited in 1808, 218.
Inauguration of President and Vice-President, 236; facts concerning the day, 343.
Income tax, used during war, 204.
Incompatible, certain offices may be so declared, 110.
Indians, untaxed, not represented in Congress, 270; Indians who maintain tribal relations are not citizens, 283.
Indian "Territory," now part of the forty-sixth State, 308.
Indictment, bill of, brought by grand jury, 93; formal accusation of crime, 94.
Individual rights enumerated, 6.
Individuals cannot sue States in Federal courts, 280.
Inflation, safeguard against, 330.
Information and advice, the Governor may require from officers of executive department, 74.
Inheritance tax, 148.
Initiative and Referendum, 348.
Injunctions, defined, 348; danger in government by, 349; English practice regarding, 350.
Insolvent laws passed by States must not conflict with National bankrupt laws, 207.
Inspectors, of election in townships, 29; of election, how chosen, 35; of prisons, 60; of mines, 86.
Insurance, commissioner of in Pennsylvania, 85; salary of, 89.
Insurrection, suppression of, 54; domestic violence, 266; strike in Chicago, 1894, 266; President Cleveland sends troops, 325.
Intemperance, control of sales of liquor, 281.
Interior, Department of the, 245; date

of establishment of the same, 293.
Interior, Secretary of, order of succession to the Presidency, 235; powers and duties of, 245.
Internal affairs, secretary of, 78; a member of the pardon board and of the board of agriculture, 87.
Internal revenue, taxes or excises, 204; sources of, 204.
International law, matters relating to, under control of National government, 211.
Interstate Commerce Commission, regulates commerce between States, 149; under direction of Congress, 206; trusts, 327; Bureau of Corporations, 246; salary of the Commissioners, 249; powers, 249.
Iowa, a famous battleship, 339.
Ireland, immigrants from, 317.
Isthmian Canal Commission, 251; how appointed, 263.
Isthmian Canal Zone, government of, 263.
Jackson, Andrew, had a plurality of the Electors in 1825; treatment of nullification, 269; did not originate spoils system, 294; carried every Southern and Western State, 316; proclamation by, 352.
Japan, treaty with, 338.
Japanese cannot be naturalized, 206, [Mongolians]; laborers excluded, 336; treaty, 337.
Jay, John, discusses certain fitness of the new government, 271; appointed Chief Justice, 290.
Jefferson, Thomas, anxious to extinguish public debt, 205; aided by the Senate, naturalized the people of Louisiana by treaty, 206; leader of the strict constructionists, 216; follows example of Washington, 226; elected President by the House of Representatives in 1801, 231; Secretary of State, 290; antagonism to Marshall, 309; words of, 332.
Jeopardy of life and limb—or tried on charge of crime, 180, 277.
Johnson, Andrew, impeachment of, 197; succeeds to the Presidency upon death of Lincoln, 235.
Johnson, R. M., chosen Vice-President by the Senate, 232.
Journal, the, 67.
Judge-Advocate-General, 241.
Judges in Pennsylvania, county, 60; district or county, 102; duties of county, 103; associate, 103; of the superior court, 105; of the supreme court, 106; salaries of, 90; honorable record of, 108; of the United States courts, 254.
Judges in United States courts to hold office during good behavior, 254; appointed by the President, and confirmed by the Senate, 254; retirement of, 254.
Judgment, the, 97.
Judicial department in Pennsylvania, 91; of the United States, wherein vested 187 and 253.
Judicial power in Pennsylvania, wherein vested, 98.
Judicial power vested in the National courts, 187; the Federal judiciary, 252; Hamilton's remarks on, 252; Story on the old Confederation, 252; independence of, 252; organization, 253.
Judicial proceedings in each State have faith and credit in all, 260.
Juries, in Pennsylvania, a justice's jury, 29; a coroner's jury, 58; jury defined, 92; grand jury, 93; a petit jury, 94; drawing of jury panels, 95; selecting a jury, 96.
Jurisdiction defined, 98; original, 98; appellate, concurrent, 99; of supreme court of State, 106.
Jury commissioners, 60; the sheriff assists in drawing juries, 54.
Jury, right of trial by, jealously guarded, 92; crimes must be tried by in Federal courts, 259; a speedy and

impartial trial by, 278 (Q3) (Am. 5).
Justice, Department of, 242; establishment of, 292.
Justice of the Peace, 29; range of cases, 30; duties he performs, 30; courts of, 99.

Kansas, people of could not agree concerning slavery, 311; strife in, forced on the inevitable contest, 311.
Keystone State, the, 12.
King, Rufus, a member of the Convention of 1787, 290.
Knowledge of government an essential factor for correct living, 1.
Knox, Henry, first Secretary of War, 290.
Koszta, Martin, his American citizenship, 125.

Labor, relation to lockouts and blacklists, 325; law concerning, in Louisiana, 325.
Lands, public, ceded by the States, 264; school lands, 265; relation of single tax to land, 302.
Laws, the function of government to make and execute them, 1; how made, 68; local or special laws forbidden, 66; must conform to the Constitution, 67; when a law goes into effect, 71; laws called Acts of Assembly in Pennsylvania, 63; ex post facto forbidden, 182; how laws are made, 201; when a bill becomes a law, 202; common law, 277; the Constitution the supreme law, 186; citizens owe obedience to, 286.
Legal tender, 208.
Legislation in Pennsylvania, 66; how hasty legislation is checked, 66; must not conflict with the State constitution or the Constitution of the United States, 66; special legislation forbidden, 67.
Legislative department, of State, 63-71; of the United States, 187, 189—223.
Legislative power of United States vested in Congress, 187, 189.
Legislature of Pennsylvania, 63—71; duties of, 63; sessions of, 64; members must not hold other offices, 64; organization of, 65; vast range of powers of, 67.
Liberty, defined, 8; right and liberty not identical, 8; what civil liberty includes, 8.
Librarian, State, of Pennsylvania, 83; salary of, 89; of Congress, copyrights secured through, 211; duties of, 250.
Library, State, 83; trustees of, 87; Congressional, 250.
Lieutenant-General, ranking General Officer of the Line, 242.
Lieutenant-governor of Pennsylvania, 73; president of the senate, 65; qualifications and duties, 73; a member of the board of pardons, 87; member of medical council, 88; salary of, 89.
Life-saving Service, compensation of, 336; statistics concerning, 337.
Limitation of Negro Suffrage, 323; Southern views of, 324.
Limited monarchy, defined, 4.
Lincoln, Abraham, suspended habeas corpus, 219; a minority President, 233; dies in office, 235; law-making power at his disposal, 238; issues Emancipation Proclamation, 282; approves formally the thirteenth amendment, 282; views on reconstruction, 299; a saying of, 311; exercises war powers, 353.
Line, Mason and Dixon's, 15; how marked, 15; divides freedom from slavery, 310.
Lines, range and township, 264.
List of Presidents, 402.
List of Vice-Presidents, 403.
List of Chief Justices, 404.
Local government, in Pennsylvania,

24-60; types of, in various States, 25, 26; the county-township type, 27.
Local option, (see glossary).
Local units, 24; government, 24-60.
Location of the National Capital, 291.
Lockouts and blacklists, 325.
Louisiana, wholesale naturalization in, 206; hostile sets of Electors, 234; purchased from France, 279; percentage of illiterate negro males in, 323; "grandfather clause" in, 323; laws concerning manual labor, 325.
Louisiana Purchase, 206.
Lycoming county largest, 51.
Lynching, peril of removed only by prompt trial, 278.
Madison, James, services in the framing of the National Constitution, 271; joint author of "The Federalist," 271; a member of the Constitutional Convention, 290; called "Father of the Constitution," 315; becomes Secretary of State, 315; chosen President in 1809, 315.
Madison, "Dolly," wife of the President, a popular mistress of the White House, 315.
Magistrate's courts in Philadelphia, 46.
Magna Charta, right and justice, 182; echoed in the amendments, 274; compels kings to grant freedom, 287.
Mahan, Rear-Admiral Alfred T., remarks about Panama Canal, 306.
Majority and plurality defined, 123.
Manila, naval victory at, 312.
Manufactures in the United States, 304.
Marcy, William L., declares protective quality of American citizenship, 125; reiterated the "Monroe Doctrine of the Pacific," 319.
Marque and reprisal, letters of, 215.
Marshall, John, Chief Justice of the United States, renders authoritive decision, 223; subpoenas President Jefferson, 309; defines various powers under the Constitution, 321.
Marshal of the Federal court, 257; a United States sheriff, 257.
Maryland, claims part of Pennsylvania, 15; boundary line of, 15; not affected by the Emancipation Proclamation, 282; adopts the Federal Constitution, 341.
Mason and Dixon's Line, when surveyed, 15; finished by David Rittenhouse, 15; map opposite, 16; divides freedom from slavery, 310.
Massachusetts claims part of Pennsylvania, 15; the battleship, 214; State asks that constitutional amendments be made, 273; has an educational qualification required of voters, 284 and 323; saves the Federal Constitution, 341.
Mayor, the chief executive officer of a city, 41; duties, 41; in Philadelphia, 45; in cities of the second class, 47; powers and duties in Pittsburg, 47.
McKean, Thomas, advocates adoption of Constitution, 340.
McKinley, William, dies in office, 1901, 235; reiterated the "Monroe Doctrine of the Pacific," 319.
Medical council, members of, 88.
Mechanics' liens, 361, (see glossary).
Members of General Assembly, privileges of, 65.
Mennonites and slavery, 177.
Mercantile appraiser, duties of, 58.
Merchant defined, 333.
Merit system, in the consular service, 313.
Messages, the Governor's, sent to the Legislature, 74; special, 75; of the President to Congress, 238; an initiative power in reference to law, 238.
Mexico, many Chinese pass over its borders into United States, 335.
Michigan gives divided vote in 1892, 229.

Military Academy, location and course of study, 242.
Military board of Pennsylvania, members of, 88.
Militia, of whom comprised, 81; the National Guard a part of, 82; may be called into the service of the United States, 83; importance of, 83; organization in Pennsylvania, 83; bill of rights makes possible, 182; subject to the orders of the President, 213.
Millersville, first State normal school of Pennsylvania established at, 161.
Mines, chief of department of, 86; inspectors of, 86.
Ministers, foreign, how appointed, 237; rank of, 247; duties of, 247; charge d'affaires, 247.
Minority Presidents, defined, 232; names of, 233.
Minority representation, 300.
Mints, where located, 207.
Mississippi, qualifications of voters in, 324; the "understanding clause," 324.
Missouri Compromise declared unconstitutional, 298; gave temporary harmony, 311.
Mixed or compromise system, 26.
Monarchy, defined, 4; kinds of, 4; not permitted to States under the Constitution, 266.
Money, forms and substitutes, 207; right to coin, 207; mints where situated, 207; paper money, 208; forms of money, 208; counterfeiting, 208; punishment for counterfeiting, 208; amount of in United States, 303 and 304.
Money-orders, 210.
Money shall be drawn from the Treasury only by appropriation laws, 221.
Monometallism, prevails, 346.
Monopoly, growth of, 327.
Monroe Doctrine, details of, 294; logical outcome of, 306; claims under, 307; of the Pacific Ocean, 319.
Monroe, James, sets forth celebrated doctrine, 294; details of same doctrine, 294.
Montojo, Admiral Patricio, at Manila, 312.
Montour county, smallest, 51.
Moral rights and duties, 8.
Morality, religion, and knowledge necessary to good government, 265.
Morris, Gouverneur, member of the Convention, 290.
Mortgages, recorded in the office of the recorder of deeds, 56.
Municipal corporations, 142.
Municipalities, vital problems in, 50.

Name of Pennsylvania, how given, 16.
Nation, the highest community, 3; the seed of a, 21.
National banks, bank-notes of, not legal tender, 208; how supervised, 208; how notes of are issued, 304; taxes paid, 304.
National Capitol, laying of cornerstone of, 293; completed during Civil War, 293; size and construction of, 293.
National conventions, 128; delegates to, 131, 228; committees, 228.
National guard, the 82.
National Museum, 251.
National receipts and expenditures, 305.
Naturalization, 9; of Chinamen expressly prohibited, 10; new law, 124; requirements, 206; examples of wholesale, 206; powers of naturalized citizen, 206; controlled by Congress, 206; not strictly essential to voting, 207.
Nautical Almanac, published by Navy department, 244.
Naval Academy, location and course of study, 244.
Naval Observatory, in charge of Navy department, 244.
Navy, Department of the, 244; date

of establishment of the same, 293.
Navy of the United States, Congress provides and maintains, 211; character of, 212; reputation of, 213; effective naval strength of the United States, 214; officers not subject to impeachment, 215; courts-martial, 215; Admiral of, 244; pay of midshipmen, 245; deeds at Manila, 312; new naval base, 319.
Negro suffrage, 284; limitation of in South, 324.
Nevada, admission of, with only 60,000 inhabitants a mistake, 262.
New England, political units in, 25.
New Hampshire, legislature of, attempts to annul charter of Dartmouth, 223; argues that amendments be made, 273; requires educational qualification of voters, 323; ratifies Federal Constitution, 341.
New Jersey, on eastern boundary of Pennsylvania, 13; lies in the third judicial circuit, 257; ratifies the Constitution, 340.
New States, admission of, 262; higher standards needed, 262; admission of Oklahoma, 308; proclamation by Roosevelt, 308.
New York, alone exceeds Pennsylvania in population and wealth, 13; on northern line of State, 13; governor of displaces Penn temporarily in 1692, 21; narrow majority for Cleveland in, 233; asks for amendments, 273; adopts the Federal Constitution, 341.
Nobility, titles of, cannot be granted by States, 183; Congress may grant no titles of, 222.
Nomination, methods of, 128; Crawford county system, 129; uniform primaries, 130; official primary ballots, 130; State conventions, 131; National conventions, 128, 130; nomination papers, 132; of Presidential candidates, 228; of Presidential Electors, 228; convention, delegates, and platform, 228; of Electors in State Conventions, 228.
Non-registered voters, 119.
Normal schools, establishment of, 161; training of teachers in, 170.
North Carolina, did not prohibit foreign slave-trade, 218; slow to ratify the Constitution, 272; asks for amendments to the Constitution, 273; final action of, 342.
North Dakota, one populist Elector in 1892 exercises freedom of choice, 229; constitution of forbids blacklisting, 325.
Northwest Territory, 265.
Notary public, 88.
Nullification, defined, 351; destroyed by President Jackson, 352.

Oath of office, 110; a constitutional requirement, 193; in the House of Representatives, 193; of Senators, 196; of the Vice-President, 196; officers take oath to support Constitution, 269.
Object of government, the, 6.
Obligation of contracts, States cannot impair, 223; Congress has control, 223.
Occupation tax, defined, 112.
Officers in townships of the first class, 35; of election districts, 34.
Officers of army and navy, how supplied, 242, 244.
Officers, salaries of State, 89-90; of the army, 241; of the navy, 244; supplied by the military academy, 242; by the naval academy, 244.
Officers of the House, 192.
Officers of the Senate, 195.
Oil, transportation of by pipe lines, 249.
Oklahoma, admitted, 307; proclamation of President Roosevelt on admission of, 308; population and area, 308; constitution is republican in form, 308; largest town of, 309.

Old Forge township, smallest in population, 28.
Oligarchy, how developed, 333.
Olympia, a famous battleship at Manila, 312.
Order of succession of State officers, 75.
Ordinance of 1787, famous legislation, 265; encourages establishment of schools, 265; language of, 282; one of the agencies in the abolition of slavery, 310.
Oregon, gives one vote for Weaver in 1892, 229; school fund in, 265; its famous namesake, the battleship, 214.
Organization of the Government in 1789, 290.
Organization of the houses of General Assembly, 65.
Original jurisdiction, defined, 98; of superior court of State, 105; of supreme court of State, 107; of United States Courts, 253.
Orphans' court, clerk of, 56; salaries of judges of, 90; examines wills of deceased persons, 332.
Osgood, Samuel, first Postmaster-General, 293.
Overseers of the poor, 32; supervisors are overseers of the poor in some townships, 32.

Panama, the canal, 306; the independence of, recognized, 307.
Panama Canal Strip, 307.
Paper money, right to issue implied, 207; various kinds, 208; where made, 208; certain forms are nearer actual money than others, 208; National bank-notes, 304.
Pardoning power in Pennsylvania, 74; of the President, 237.
Pardons, the Governor shall not grant, except upon recommendation of the board of pardons, 74.
Parliament, English, example followed, 189; confidence of, 288.
Party, defined, 127; the creation of voluntary effort, 127; how nominations are made, 128; conventions of, 131; Democratic, 217; Republican, 217.
Patents, purpose of, 211; how obtained, 211; duration, 211.
Patriotism, its value, 11.
Pearl Harbor, a great naval base at, 319.
Peck, James H., impeachment of, 197.
Penn, William, founder of the Commonwealth, 15; describes its boundaries, 14; receives Pennsylvania from Charles II., 16; enacts by the aid of the people, the "Great Law," 17; declares the emigrants "the seed of a nation," 21; gives practical constitution, 22; death in 1718, many disputes unsettled, 22-23; settlement of claims of heirs, 291.
Pennsylvania, importance as a State, 12; boundaries, 13; charter boundaries, 14; Mason and Dixon, 15; founder of, 15; named in honor of Admiral Penn, 16; treaty and settlements, 16; the first General Assembly, 17; early government of, 18-23; system of local government, 27; elemental unit of government in, 28; local government in, 24-60; legislative department, 63-71; executive department, 72-90; judicial department, 91-110; public debt, 62; State officers and salaries, 89-90; voting qualifications in, 111; taxes in, 136; early constitutions of, 174; present constitution of, 355; ratifies Federal Constitution, 340.
Pensions, facts concerning, 328.
People, supreme, 176; make the Nation, 285; Lincoln's saying, 287.
Perfect religious freedom, 20.
Petition of Right, 288.
Petition, right of, 182; for redress of grievances, 275.
Philadelphia, departments in, 45; term

of mayor, 45; bureaus, 45; other leading officials, 46; councils, 46; magistrates and constables, 46; public schools of, 47; superior court holds sessions in, 106; supreme court sits at, 108; Constitutional Convention met in, 287.

Philippines, domestic rates of postage apply to, 210; government of under War Department, 241; territorial government of, 263.

Pinckney, Charles C., member of the Convention, 290.

Pickering, John, impeachment of, 197.

Piracy, Congress has power to define and punish, 211.

Pittsburg, city of the second class, 47; plan of government, 47; mayor and his duties, 47, 48; executive departments of, 48; other officers, 48; councils in, 49; police powers in, 49; magistrates in, 49; superior court sits at, 106; supreme court holds one term annually at, 108.

Planting trees, 140.

Plurality elects, 123.

Police magistrates in cities of the second class, 49.

Policemen are constables of the city, 44.

Political parties, 127; conventions of, 128; means of conducting campaigns, 128; primary elections held by each, 128; Uniform Primaries Act, 129; conventions of, 131, 228; National conventions of, 228.

Political rights defined, 7.

Polk, James Knox, a minority President, 233; his relation to the Mexican War, 353.

Poll tax, a direct tax, 203.

Poor, overseers of, 32; directors of, 59.

Population, how classified, 10; of Pennsylvania in 1900, 13; of townships, 28; of Oklahoma, 308.

Porto Rico, domestic rates of postage apply to, 210; government of, 263.

"Posse comitatus," 30; may be called by the sheriff, 54.

Postal matter, 209, 210; classes of, 210.

Post-office Department, 242; officers of, 243.

Postmaster-General, order of succession to Presidency, 235; duties of, 242; classes of postmasters, 243; postoffices and expenditures, 244; Universal Postal Union, 244; rates of postage, 244.

Postmasters, certain postmasters appointed by the President, 237; others by the Postmaster-General, 242; how salaries are determined, 243; classes of, 243; number of postoffices, 243.

Power, a sovereign, 133; vesting the taxing, 135; military subordinate civil, 183; of suspending laws, 183; excepted and forever inviolate, 183; scope of Federal, 186; Congress has power to establish Territorial governments, 262.

Power of Governor to appoint officers, 73.

Powers denied, to Congress, 218; to States, 221; to the Federal government, 316; prohibitions upon both State and Federal governments, 316.

Powers not delegated to Congress nor prohibited to States are reserved to the people, 279.

Powers of Congress alone, 219, 238.

Powers of the President, 354.

Powers of the Provincial Council, 19.

Powers under the Constitution, distribution of power, 315; concurrent powers, 316; the three prohibitions, 316; implied and delegated powers, 321.

Preamble, to the Constitution of Pennsylvania, 178; to the Federal Constitution, 388.

Pre-emption Act, 265.

Presidency, law of succession to, 235.

Presidents of the United States, list

of, 402; and Vice-Presidents, 403.
President, represents the unity and power of the Nation, 187; the Executive power in one person, 224; qualifications, 225; term of office, 226; re-election of, 226: Washington, Jefferson, and Grant in relation to third term, 226; burden of responsibility great, 226; how chosen, 226-231; how candidates are nominated, 228; meeting of Presidential Electors, 229; dangerous possibility, 229; change in the manner of Electors voting for, 230; when chosen by the Representatives, 231; two instances cited, 231; why such method of choice is proper, 232; minority Presidents, 232; changes in method of election suggested, 233; the Electoral Commission, 234; the Electoral count law, 234; law of succession, 235; Vice-Presidents who have succeeded upon death of President, 235; inauguration of, 236; inaugural oath, 236; exceptional dates of inauguration of, 236; salary of, 236; must not accept certain gifts, 236; official residence of, 236; powers and duties, 237; is Commander-in-chief of army and navy, 237; pardoning power of, 237; cannot pardon in cases of impeachment, 237; makes treaties, 237; power to appoint officers, 237; may summon either or both houses of Congress in extra session, 237; appoints postmasters and revenue officers, 237; commissions officers, 237; receives ambassadors and other public ministers, 237; appoints diplomatic representatives, 237; appoints Justices of the Supreme Court, 237; messages of, 238; initiative power concerning laws, 238; veto power of, 238; appoints Cabinet, 239; the Administration, 240; exercises important legislative powers in veto, 272; the twelfth amendment, 281; an error concerning Senator Atchison, 295; dual Executive suggested, 296; direct vote for, suggested, 350; powers of, 353.
President pro tempore of the State senate, 65; the only officer that is a member of the senate, 65; appoints the senate committees, 68.
Presidential Electors, who may be chosen, 226; elected by the people, 227; elected on the same day, 227; vote for specified candidates, 227; chosen on a general State ticket, but may be divided, 229; a possible danger, 229; meeting of, time and place, 229; three lists sent, 229; precautions taken to insure delivery to President of the Senate, 230; counting their votes, 230; how the result is declared, 230; loyalty to party, 350.
Presidential Succession, law of, 234.
Press, must be free, 8, 180. 275.
Primary elections, 128.
Prison inspectors, 60.
Pritchard, Judge, decision of, 281.
Privateering, 215.
Privileges and immunities, of members of Congress, 199.
Probate courts, how named in Pennsylvania, 332.
Property tax, laid upon real estate, and on personal effects, 137.
Prosecuting attorney, duties of, 310.
Protection defined, 204; of home industries through tariff, 204.
Prothonotary, the, clerk of common pleas, 55.
Provisions of the Frame of 1701, 22.
Public credit, 205; debts of the United States, 205; freedom from debt not vital, 205; the report of Hamilton, 309.
Public lands, 264; method of subdivision due to Jefferson, 264; Ordinance of 1785, 264; of 1787, 265, the glory of the dying Continental Congress, 265; Homestead Act,

265; sales of the public lands, 266.
Public schools, in Pennsylvania, 153; in townships, 34; assessors make lists of school children, 32; superintendents of schools in cities and boroughs, 43; superintendent of county, 59; public schools of Philadelphia, 47; history of, 153-173.
Punishments, cruel and unusual forbidden, 279.
Purchase of Penn's claims by the State, 23; settlement of certain pensions granted by the British government, 291.
Qualifications, for township offices, 29; of mayor, 41; of city solicitor, 43; of county officers, 52; of district attorney, 56; of county superintendent of schools, 59; of jury commissioners, 60; of senators, 64; of representatives, 64; of the Governor, 73; of lieutenant-governor, 73; of attorney-general, 79; of State librarian, 83; of commissioner of banking, 85; of mine inspectors, 86; of chief of department of mines, 86; of the commissioners of heath, 87; of a juror, 96; of judges, 103; of voters, 111; of members of House of Representatives, 190; of Senators, 194; of President and Vice-President, 225; of Presidential Electors, 226; of the Secretary of the Treasury, 241; no religious test, 269.
Quartering soldiers upon the people forbidden, except in time of war, 183; forbidden by U. S. Constitution, 276.
Quarter sessions court may organize boroughs, 37; a criminal court, 55; clerk of, 55.
Quorum, a majority in each house, 67; in the Houses of Congress, 200; of States when choosing a President, 231; counting of, by Speaker Reed, 329.
Railroads, importance of, 147; public highways and common carriers, 147; State regulates, 148; restrictions of, 148; right of eminent domain, 148; powers as common carriers limited, 149; competing lines must not consolidate, 149; passes limited, 149; interstate commerce, 149; a railroad State, 150; facts regarding, 152; rate law of, 249; control by Interstate Commerce Commission, 249; limitations of, 302.
Railway, first in America, was laid in Pennsylvania, 152.
Randolph, Edmund, first Attorney-General, 290; answers objections, 341.
Ratification of the Constitution, 272; Rhode Island last to ratify, 272 and 342; facts concerning, 340-342.
Ratio of representation, 190.
Rebates prohibited, 249.
Rebellion, debt incurred in not to be paid by the United States, 206.
Receipts and expenditures of the National government, 305.
Recorder of deeds, 56.
Records of States valid, 260.
Reed, Thomas B., decision in counting a quorum, 328.
Referendum, defined, 347; relation to initiative, 348; strength of, 348.
Register of wills, duties of, 55.
Registering mail matter, 210.
Registration, manner of in townships, 112; in cities, 119; non-registered persons, 119.
Religious tests, none for officers, 269; union of church and state forbidden, 275.
Religious freedom, 275.
Removal from office, 110.
Representation of the minority, 300.
Representatives, in Pennsylvania, 61-72; qualifications, 64; election and term of office, 64; salary, 65; or-

ganization, 66; elect their own speaker, 66; rules of the house, 67; journal and votes, 68; revenue bills must originate in the house, 68; secret sessions rare, 68; committees appointed by speaker, 68; house has sole power of impeachment, 70; new apportionment, 71.

Representatives in the National House, chosen for two years, 189; elected by the people, 189; number of, 189; ratio of representation, 190; number sent by Pennsylvania, 190; qualifications of, 191; elected by districts, 191; Congressmen-at-large, 191; need not be residents of their districts, 191; members not officers of the United States, 191; "gerrymandering," 192; filling of unexpired terms, 192; officers of the House, 192; compensation of, 193; salary of Speaker of House, 193; "father of the House," 193; oath of office, 193; special session of Representatives never called, 199; shall not be questioned as to speech or debate, 199; may not hold office under U. S. during term, 199.

Reprieves may be granted by the Governor, 74; by the President, 237.

Republic, defined, 5; a democratic republic, 5; the keynote of, 6.

Republican form of government guaranteed to the States, 266.

Republican party, 217.

Republic of Panama, treaty with, 307.

Repudiation of any part of public debt forbidden, 205.

Repudiation of Confederate debt, 205.

Requisition, Governor's, for fugitives from justice, 74; defined, 260.

Residence, defined, 10; not gained or lost by students attending school, 11; at time of necessary in voting, 111.

Residence of Governor, 73.

Resolution, concurrent, of Congress, 282 and 391.

Revenue bills, must originate in the House, 198, 201.

Rhode Island ratifies the Constitution after proceedings under it had begun, 272.

Right to bear arms, 275.

Rights, bill of, 179; four great classes, 6; individual, 6; social, 7; political and religious, 7; of an American citizen, 8; of an alien, 9; of taxpayers under the "Great Law," 21; declaration of, 178; natural rights, 179; of religious liberty, 179; of trial by jury, 180; of security of person and home, 180; of bail, 180; of right of justice, 182; of right to assemble, to bear arms, and to petition, 182; of eminent domain, 182; first ten amendments to the United States Constitution a bill of, 274; reserved rights, 279.

Rittenhouse, David, finishes the Mason and Dixon line, 15.

Road commissioners, 31.

Road jury, duties of, 141.

Roads, tax for, 140; appropriations for, 141; executive officer of highway department, 141; how roads are made, 141.

Root, Elihu, signs arbitration treaty, 1908, with Japan, 336.

Roosevelt, Theodore, became President upon death of William McKinley in 1901, 235; took the oath of office in Buffalo, 296; recognizes independence of Panama, 307; admission of Oklahoma, 308; our youngest President, 337.

Rules of Congress, each house determines its own, 200; importance of committee on, 201.

Rules of order, in General Assembly, 67.

Rural free delivery, 210; boxes must be furnished by patrons, 211.

Safety, public, one of the departments in large cities, 48.
Salaries of county officers, 52.
Salaries of Federal officers, 352.
Salaries of officers in Pennsylvania, 89-90; cannot be changed during term of office, 361.
Samoan Islands, how governed, 263.
San Francisco, the great fleet at, 338.
Schaeffer, Nathan C., State superintendent of schols, 162.
School directors, 34; women eligible, 34; elect a county superintendent, 34; composition of the school board, 164; make an annual report to the county superintendent, 164.
Schools, public, cost in Pennsylvania, 165; tax rate limited to 26 mills, 34; of Philadelphia not under the general system, 47, number of, 165; expenditure for, 165; value of property, 165; free text-book system, 166; compulsory attendance, 167; high schools, 169.
School superintendents in Pennsylvania chosen by the directors, 58; may be women, 59; salary, 164; school lands in Western States, 264.
Scotch-Irish, where settled, 315.
Scranton, a city of second class, 47; superior court sits at, 106.
Sea-ports, no preference can be shown by Congress, 221.
Searches, illegal, forbidden, 180.
Search warrants, cannot be issued without probable cause nor without description, 180;; illegal searches, 277.
Secession, defined, 286; dies in the Civil War, 287; Lincoln's speech concerning, 299; follows Kansas struggle and other events, 311.
Secretary of Agriculture, order in succession, 235; duties of, 245; Weather Bureau a branch of his department, 245; other bureaus, 245.
Secretary of Commerce and Labor, order in succession, 235; duties of, 246; U. S. Census, 246; other bureaus, 246; important officers, 246.
Secretary, of Internal Affairs, 78; of Agriculture, 80; of Committee of Lunacy,—salary, 89; private secretary to the Governor, 89.
Secretary of State, the member of the Cabinet first in succession to the Presidency, 235; duties, 240; keeper of the Great Seal, 240; head of the diplomatic and consular service, 240; negotiates treaties, 240; accredits certain ministers, 247.
Secretary of the Commonwealth, 77; the keeper of the Great Seal, 77; a member of the Board of Pardons, 87.
Secretary of the Interior, duties of, 245; public and Indian lands, 245; Commissioners in department, 245; amount disbursed to pensioners, 245.
Secretary of the Navy, duties of, 244; bureaus of his department, 244; order of succession to the Presidency, 235.
Secretary of the Treasury, order of succession, 235; duties of, 240 and 241; who may not hold this office, 241.
Secretary of War, order of succession to the Presidency, 235; powers and duties of, 241; usually not a soldier, 241.
Security of person, home, and effects, 276.
Selecting the jury, 96.
Senate of Pennsylvania, 63-71; election of, 63; salary of members, 65; senators cannot hold other office, 64; committees appointed in senate by president pro tempore, 68; all cases of impeachment tried by, 70; has sole power of confirming Governor's appointments, 70.
Senate of the United States, how con-

stituted, 193; equality of representation conceded to small States, 193; exceptional lengths of terms, 193; number of Senators, 194; classes, 194; qualifications of Senators, 194; election of Senators, 195; officers of Senate, 195; vacancies supplied, 195; compensation, 196; sole power to try impeachments ,196; cases of impeachment, 197; Senators not civil officers, 197; relation to revenue bills, regular sessions of, 198; special sessions, 199; privileges and disabilities of Senators, 199; quorum, rules, contests, expulsions, 200; the journal, 200; bills, how defeated, 202; votes for President and Vice-President counted in presence of, 230; when the Vice-President is chosen by, 232; the only choice so made, 232; ratification of treaties and confirmation of appointments by, 237.

Sentence, the, 97; the commutation of, 97.

Sessions, of the General Assembly, 64; special, 64; of the senate on executive business, 74.

Shanghai, boycott of American goods at, 301.

Shaw, Col. Robert G., civic courage of, 347.

Sheriff, the, in Pennsylvania, 53; is usually the jailer, 54; serves all legal processes, 54; has charge of the jury-wheel, 54; makes proclamation of general elections, 54; the Federal, 257.

Sherman Act, requirements of, 345; purchasing clause repealed, 346.

Shire-mot, a county meeting, 287.

Silver certificates not legal tender for all public debts, 208.

Silver coinage, amount of, 303; under the Bland-Allison Act, 345; demonetization, 346.

Single tax, the, defined, 302; argument for, 303; expenses paid by, 303.

Sinking fund, cities shall create, 139.

Slavery, first organized effort against American, 177; first emancipation act, 177; abolished in terms of Wilmot Proviso and Ordinance of 1787, 282; the Emancipation Proclamation, 282; text of the Proviso, 295; abolished in District of Columbia, 299.

Slaves, no claims for emancipation of allowed, 206; foreign slave-trade forbiden, 218; African slave trade declared piracy, 218; emancipation of, 282; free forever, 285.

Smithsonian Institution, 251.

Society, defined, 2.

Soldiers must not be quartered on the people except under certain conditions, 183, 276.

Solicitor, city, 43; county, 58.

Solicitor - General of United States, chief assistant to Attorney-General, 242.

South Carolina, did not prohibit foreign slave-trade, 218; hostile sets of Electors in, 234; desires amendments, 273; control of liquor traffic through State dispensaries, 281; influence of the Pinckneys prevails, 341.

Sovereign power, three-fold division of by Anglo-Saxon race, 52; taxation and government, 133.

Speaker of the house of representatives in Pennsylvania, 66; appoints the committees in the house, 68.

Speaker of the National House of Representatives, 192; elected by the House, 192; third officer of the government and second only to the President, 192; salary of, 193; appoints all committees of the House, 192; chairman of the committee on rules, 201; power of, 322; exclusive powers relating to committees, 322.

Special legislation forbidden in Penn-

sylvania by the State constitution, 67.
Speech, free, a quality of civil liberty, 8; guaranteed by Constitution of the United States, 275.
Specific duties, 205.
Spoils System corrected through action of Civil Service Commission, 248; antedates Andrew Jackson, 294.
Staff, Governor's chief of, 82; general, of U. S. army, 213 and 241.
Standards of Value, the single and double, 303.
Standing army, State has none, 182; of the United States, 212; strength of, 213.
State, a citizen of the State, 8; the "Keystone," 12-17; Pennsylvania, boundaries of, 13; government of, 61-62; debt of, 62; has had four constitutions, 62; the constitution, 62; apportionment of the, 70; conventions, 131; right of eminent domain, 145; banking laws, 146; the first constitution, 175; second and third constitutions, 176; the constitution of 1873, 176; one of the original States, 177; State governments as models, 185; scope of power, 185; powers denied to, 222; admission of a new, 252; cannot be sued in Federal courts by individuals, 280.
State banks, at present no State banks of issue, 146.
State Church in England, in Scotland, and in Russia, 275.
State conventions, 131; nominate the Presidential Electors, 228.
State constitutions, 174-177.
State governments in relation to the National government, 185; must be republican in form, 266.
Statehood, provisions concerning, 266; mode of admission to, 307 and 308.
State librarian, 83.
State, Secretary of, order of succession to the Presidency, 235; accredits certain ministers, 247.
State treasurer, 80.
Stevens, Thaddeus, 155-158; gains victory for free schools, 159; nomination of, 299.
Stewart, John Q., deputy State superintendent, 162.
St. Gaudens, memorial to Col. Shaw, 346.
Stoddert, Benjamin, first Secretary of the Navy, 293.
Stone, William A., a minority Governor, 124.
Street Railways, 151.
Strict construction, 217.
Strikes, the Chicago, 266; in a sense the weapons of employees, 325; Governor Altgeld and President Cleveland, 326.
Succession, order of as to the governorship, 75; order of as to the Presidency, 235; historical order of the executive departments, 292; no actual succession to Vice-Presidency, 196.
Suffrage, right of, 111.
Suits, civil, in United States courts, 256 and 278.
Sulu Islands, 263.
Superintendent, of city schools, 43; of county schools, 58; grants two kinds of certificates, 59; elected by directors, 59; women eligible to superintendency of schools, 59; of Public Instruction in Pennsylvania, 78; commissions superintendents, 78; of Public Printing, 84; of Public Buildings and Grounds, 84; of State Police, 90.
Superintendent of Public Instruction of Pennsylvania, 78; commissions superintendents, 78; can be removed only by impeachment, 78; a member of State Board of Agriculture, the Medical Council, and the College and University Council, 87-88; salary of, 89; duties in regard to examinations in State normal

schools, 170; grants permanent certificates, 171.
Superintendent of the Coast Survey, 246.
Superior, court of State, 105.
Supervisors, 31; levy the annual road tax, 31; under certain circumstances may act as constables, 31; office abolished in townships of the first class, 35.
Supreme court of Pennsylvania, 106.
Supreme Court of the United States, jurisdiction of, 253; character and power of, 254; the most original of American institutions, 254; original jurisdiction of, 255.
Surrogate's or orphans' court, 331.
Surveyor, county, 58.
Swayne, Charles, impeachment of, 197.
"Sweeping Clause," 216.
Switzerland, referendum and initiative in, 347 and 348.

Takahira, Baron Kogoro, 337.
Taney, Roger B., Chief Justice, a decision by, 298.
Tariff, a schedule of taxes, 204; revenue-tariff defined, 204; protective, defined, 204; free trade defined, 204; how tariff is collected, 205.
Tax bills in Pennsylvania must originate in the house of representatives, 70.
Taxes, defined, 133; direct and indirect, 134; right to levy not unlimited, 134; assessment of, 135; collecting, 136; county, 137; township, 137; borough and city, 138; school, 139; how collected, 139; certain property exempted, 140; road, 140; poll taxes and income taxes direct, 203; duties and excises are indirect, 204; direct taxes used during the Civil War and Spanish-American War, 204; a direct tax must be proportional to the population, 219; a capitation tax, 220; income tax, 220; the single, 302.
Taxes, payment of, necessary to voting in Pennsylvania except when "voting on age," 112.
Taylor, Zachary, a minority President, 233; dies while in office, 235; Vice-President Fillmore and he did not take oath of office on Sunday, March 4, 1849, 295.
Teachers' certificates in Pennsylvania, 171.
Telegraph lines, how controlled, 146.
Territorial courts, 258.
Territories, government of, 262; unorganized, 263; commissioners from, 263; relation to history of slavery, 265; slavery abolished in, 299; the District of Columbia practically a territory, 299.
Test, religious, shall not be required, 269.
Texas, wholesale or collective naturalization in, 206; annexed as a full-fledged State, 206.
Tilden, Samuel J., decision of Electoral Commission regarding election of, in 1876, 234; large plurality for, 351.
Titles of nobility cannot be granted by State, 183; Congress prohibited from granting, 221.
Tonnage tax, State cannot impose, 222.
Towns or townships of New England, 25; mass-meetings in, 25.
Township, the New England type, 25; in Pennsylvania, 27; the elemental unit, 28; how made, 28; officers of, 28; qualifications of officers, 29; the clerk of, 33; officers of townships of the first class, 35; duties of county commissioners regarding classification, 36.
Training of teachers in Pennsylvania, 170.
Traverse or petit jury, 94.
Treason defined, 259; cannot work

corruption of blood, 259 and 396.
Treasurer, borough, in Pennsylvania, 38; city, 42; county, 57; State, 80; makes monthly statement regarding funds, 80.
Treasury of the United States, notes issued on security of bullion in, 208; such notes a legal tender in most cases, 208; money drawn from, only by appropriation, 221.
Treasury, Secretary of the, order of succession to the Presidency, 235; powers and duties of, 240; conducts the finances of Nation, 240; who may not hold this office, 241; assistants in work, 241.
Treaties, States cannot make separately, 222; are made by the President, 237; must be confirmed by the Senate, 237; the supreme law, 269.
Trial by jury, 91; right to it remains inviolate, 92.
Tribe, caused by related interests, 1, tribal relations, 283.
Trusts, regulation of, 149; Interstate Commerce Commission, 149; defined, 326; development of, 327; control of, 328.
Trusts, defined, 326.
Tutuila, under a governor, 263.
Tyler, John, becomes President upon death of William H. Harrison in 1841, 235; forbids occupation of Hawaii, 319; the "Monroe Doctrine of the Pacific," 319.

"Understanding clause," relation to voters in Mississippi, 324.
Union of church and state forbidden, 275.
United States, bonds, 205; public debt of, 205; how the country is represented, 246; kinds of coinage in, 303; commissioners, 314.
University of Pennsylvania established, 173
Utah, men cannot work more than eight hours per day in mines of, 325.

Vacancies, temporarily filled by the President, 237; in Congressional representation, 192, 195.
Valparaiso, Evans in command of the Yorktown in harbor of, 338.
Veto, of bills by the Governor, 75; use of this power his most serious duty, 76; how a bill may become a law notwithstanding a veto, 69; of bills by the President, 201; passing a bill over a, 202; a "pocket veto," 202.
Vice-President, is President of the Senate, 195; has no vote except in case of equal division, 195; salary of, 196; may be impeached, 197; qualifications of, 225; term of office, 226; opening of sealed certificates, 230; when chosen by the Senate, 232; succession to the Presidency, 234; inaugural oath of, 236.
Villages, unincorporated, 37.
Virginia claims part of Pennsylvania, 15; early county in, 25; divided during Civil War, 262; plan proposed by delegates from, 270; asks for amendments, 273; its bill of rights, 274; receives back its cession, 292; "ex-soldier clause" of constitution, 323; ratifies the Constitution, 341.
Vote, concurrent, 201, 183.
Voters, qualifications of, 111; privileges of, 113; payment of taxes required, 112; registration of, 119; non-registered, 119; bribery of, 121; qualifications vary in different States, 207.
Voting, "on age," 112; room and booths, 113; mistakes in, 116; manner of, 117; officers and watchers, 117; a challenge in, 121; right of must not be denied on account of race or color, 111 and 284.

Waller, David J. Jr., State superintendent of schools, 162.
War, may be declared only by Congress, 211; Secretary of, 241.
Warrants, for searches and seizures, when and how they shall be issued, 276.
Washington City, site selected by our first President, 292; government of, 310.
Washington, George, sets example of retiring at close of second term, 226; president of the Convention, 1787, 290; selects site for National capital, 292; words from his address, 342.
Ways and Means, committee of, 331.
Weather Bureau, an important branch of the Department of Agriculture, 245.
Weaver, James B., the populist candidate for President, 229; Electoral votes for, 351.
Webster, Daniel, appeals famous case to Supreme Court, 223; forbids occupation of Hawaii, 319; praises the military power of England, 321.
Weights and Measures, how standards are fixed, 208.
West Point, military academy at, 242; how cadets are appointed, 242; course of study at, 242; pay of cadets, 242.
West Virginia admitted without consent of Virginia, 262.
White House, name commonly given to the executive mansion at Washington, 236.
Wickersham, James P., establishes the first State normal school of Pennsylvania, 161.
Williamsport, superior court sits at, 106.
Wills, register of, 55.
Wilmot, David, tomb of, 294; text of celebrated "proviso," 295.
Wilson, James, a member of Convention of 1787, 290; Washington's estimate of, 340.
Witness, in criminal cases no one compelled to testify against himself, 277.
Witnesses, how summoned to court, 96.
Wolf, Governor George, signs the school law of 1834, 160.
Women, may hold certain offices in Pennsylvania, 34, 59.
Works, public, one of the departments in large cities, 48.
Wyoming, in like manner with Massachusetts, requires an educational qualification, 284 and 323; rights of labor in, 325.

Yeas and Nays, entered in journal, 200.
Yorktown, Evans in command of, at Valparaiso, 339.

GLOSSARY OF TERMS

Accessory.—An accessory to a crime is one who aids or is concerned in the commission of a crime. One who advises, procures, or commands another to commit a crime is an accessory before the fact; while one who conceals a criminal knowing of his offense, or gives him aid in order that he may escape punishment, is an accessory after the fact.

Act.—A decision of a legislative body. A law of a State or of the United States.

Adjournment.—The putting off until another day or time specified or without day. The recess or interval during which a public body suspends its sittings or postpones business.

Administration.—The term of office during which a President conducts the affairs of the country. The President and the Executive Department.

Administrator.—A person appointed by the court to manage and settle the estate of a deceased person.

Admiralty.—A jurisdiction which deals with naval or marine affairs. The court which has such jurisdiction.

Affidavit.—Any authorized **ex parte** written statement of a person, sworn to or affirmed before a competent magistrate. It is made without cross-examination, and requires no notice to the opposing party. Generally, it is signed by the person making it, and may be drawn up by himself or by any other person.

Affirmation.—A solemn declaration, made under penalties of perjury, by persons who decline to take an oath.

Alien.—A foreign-born resident of a country in which he does not possess citizenship; a foreigner.

Alliance.—A union between two or more nations, by treaty or contract, for their mutual benefit.

Ambassador.—A minister of the highest rank sent on public business from one country to another. He resides at the capital of the country to which he is sent.

Allodial Tenure.—The absolute ownership of land, free from rent or service. Opposed to feudal tenure, wherein land is held subject to a fee or service, as in England, or as held in this State under the Penns.

Amendment.—An addition made to the Constitution, usually changing some part of it. An alteration in a bill or other document while passing through the stages of legislation.

Appellate Jurisdiction.—The power or authority whereby a higher court hears cases on appeal from judgment of a lower court. The jurisdiction of the Supreme Court.

Appointment.—The exercise of the power of designating or naming a person to hold office. Presidential appointments are very numerous, and constitute a very important part of his duties. They are usually made for four years and the officers are given commissions signed by the President.

Apportionment.—The distribution of Representatives among the States in the proper proportion to population.

Appropriation.—Money authorized by law to be taken out of the treasury, and to be applied to a special use or purpose.

Arbitration.—The settlement of disputed cases by disinterested persons. War may often be averted when international disputes are submitted to arbitration. Persons chosen to determine the controversy are called **arbiters,** and the decision is called an **award.** Several important matters in controversy between the United States and other countries — notably with Great Britain — have been submitted to arbitration.

Aristocracy.—A form of government in which the power is in the hands of a privileged order of men, distinguished for their rank and wealth.

Arson.—The malicious burning of any dwelling or building the property of another.

Assessment.—Charging with any sum of money as a due share or proportion; fixing or determining a tax.

Attainder.—Extinction of civil rights in consequence of being condemned for treason or other capital crime. Literally, a staining or rendering impure; the corruption of the blood of the traitor so as to be no longer inheritable.

Attorney and Counselor-at-law.—A term applied to a person who is entitled to practice law in the higher courts. The justices

and judges in these courts must be attorneys and counselors-at-law. To be admitted to the bar as such, a person must be twenty-one years of age, a citizen of the United States, of good moral character, and have passed certain legal examinations set forth by the State law.

Australian Ballot.—A form of ballot in which the names of all the candidates are printed on one ticket, and the voter is instructed to make cross-marks to indicate his choice of the candidates. Secrecy in ballot is thus obtained, and perfect independence is made possible.

Bail.—The release of an accused person on security for his appearance in court; the sum given as security; to release on such security; to admit to bail.

Ballot.—A piece of paper used in voting. On this the voter indicates his choice of candidates, or his answer to any question submitted to the body of voters.

Bankrupt.—Any person who is unable to pay his debts; one who has been judicially declared unable to meet his liabilities.

Bigamy.—The crime of having two wives or two husbands at the same time.

Bill.—A proposed law. A form or draft of a law presented to a legislative body for enactment.

Bill of Credit.—Paper issued by a State, on the faith and credit of the State, and designed to circulate as money.

Bill of Indictment.—A written accusation lawfully presented to a grand jury.

Bill of Rights.—A list of the rights and privileges claimed by a people; hence all those portions of a constitution, State or National, designed to secure liberty to the individual. The first ten amendments to the Constitution of the United States form a bill of rights. Most State constitutions contain such declarations of rights.

Bimetallism.—The legalized use of two metals — gold and silver — in the coinage and specie currency of a country, at a fixed relative value. Bimetallists believe that the United States should permit free coinage of both gold and silver at a ratio fixed by law. Many others, who do not believe that it would be wise

to throw the mints open to the world, advocate **international bi-metallism,** a scheme in which the great nations shall agree to make both metals legal tender at a fixed rate and allow free coinage of both.

Blockade.—This is the closing of the ports of the country of an enemy in order to prevent vessels from going in or passing out.

Body Politic.—The collective body of the people as politically organized, or as exercising political functons. A naton or community as constituted under government.

Bond.—A writing of obligation, under seal, to pay a sum of money or to perform a contract. An evidence of indebtedness issued by the United States government for money which it has borrowed. The bond binds the government to pay a certain sum of money at a specified time, and to pay a certain rate of interest. In times of emergency money is raised by issuing bonds. Bonds are also issued by various corporations, such as cities, counties, railroads, steel companies, etc.

Borough.—An old Teutonic word meaning a "fortified place." The inhabitants of a borough are called burghers or burgesses, and the chief executive is known as the chief burgess.

Boycott.—To combine against an employer in such a way as to withhold social or business relations with him, and prevent others from holding such relations with him.

Bribery.—The act of giving or receiving a reward as an inducement to official or political action.

Burglary.—This is the forcible breaking into and entering in the night time the dwelling house of another with the intent to commit a crime. In some States burglary includes the breaking with felonious intent into a house by day as well as by night, and into other buildings than dwelling houses.

By-Laws.—Local or subordinate laws; rules and regulations made by a private corporation for its own government.

Cabinet.—The advisers or counselors of the President. The council consisting of the first nine heads of the executive departments.

Candidate.—One who offers himself, or is put forward by others, as a suitable person for an office. Candidates are usually

selected by the party assembled in mass, or acting through representatives chosen for that purpose.

Canvass.—A systematic effort to obtain votes; a summing up of the votes cast for the various candidates.

Capital.—Pertaining to the head. A name given to that city which is chief in a political sense, as being the seat of government of the State or Nation. Capital crimes are those punishable by death. Capital is the accumulated product of labor.

Capitation Tax.—A tax imposed on every head or person without reference to property; a poll tax.

Capitol.—The building at Washington occupied by Congress; the building in which the Legislature of the State holds its sessions; a statehouse.

Caucus.—A meeting of persons belonging to a party, for the purpose of nominating candidates for public office, or for making arrangements to secure their election; a political primary meeting.

Census.—An official numbering of the people, with statement of the value of their property, and other general statistics of the country. A general census of the United States was first taaken in 1790, and one has been taken at the end of every ten years since.

Challenge.—To object to the taking of a vote of a person, as on the ground that the person is not a qualified voter. Objection or exception to proposed members of a jury or of a court.

Chancery.—Equity; a court of equity. These terms are more often used in American law than the terms chancery and court of chancery.

Charter.—A written instrument, executed in due form, granting rights, franchises, or privileges.

Circuit.—A large district of the country, to which a Justice of the Supreme Court makes periodical visits for the administration of justice.

Citizen.—A person native or naturalized, of either sex, who owes allegiance to the government, and is entitled to its protection. In the full acceptation of the term, a citizen is a member of the civil state and entitled to all its privileges. But the right to vote does not follow as a necessary consequence of citizenship.

Civics.—The science of civil government.

Civil.—Pertaining to a citizen in his relation to other citizens or to the state. Not criminal; not military.

Civil Case.—A suit at law to enforce the rights or redress the wrongs of an individual, not involving a criminal proceeding.

Civil Government.—Civil government is the regulation, control and direction of the affairs of civil society. It consists of a body of laws defining the rights, privileges, and duties of members of the society; and of a body of persons, called officers, charged with the duty of seeing that the laws are obeyed, and that offenders are punished. It is the function of civil government to make it easy to do right and difficult to do wrong.

Civil Service.—All service rendered to and paid for by the State or Nation other than that relating to naval or military affairs.

Civil Service Reform.—The substitution of business principles and methods for the spoils system, in the appointments to office, and in the general matters of the civil service. The act of 1883 provides that appointments to the classified service shall be made only on competitive examination; removals for political reasons alone are forbidden; political assessments by a government official or in a government building are prohibited.

Cloture.—A method of putting an end to debate by means of a motion calling for the previous question, and securing an immediate vote upon the question before the legislative body. By this means a bare majority may pass any measure without giving the minority any opportunity to be heard.

Coin.—The metallic money of a country; consisting of stamped metal, generally gold, silver, or copper, used as a measure of values.

Colony.—A settlement of people in a distant country, who remain subject to the government from which they removed.

Commerce.—Trade carried on between different countries. It is essentially the process of transferring goods from persons and places where they have little value to places where the goods have greater value. The exchange of merchandise on a large scale; extended trade or traffic.

Commission.—A written warrant vesting a person with authority in the performance of the duties of an office. A body of men

selected for the performance of some specified duty or the execution of some special trust.

Commit.—To send to prison; to put in charge of a jailer.

Committee.—A body of persons appointed to examine or manage any matter.

Common Carrier.—One who undertakes to carry goods or persons for hire.

Common Law.—The unwritten law, that receives its binding force from immemorial usage and universal custom as expressed in the judgments of the courts, and not from any statutes now extant. It is distinguished from the statute law, which owes its authority to acts of the legislature. The three fundamental political ideas in government are embodied in the common law, the statute law, and the superior law or constitution. One of the good old maxims of our common law is that a man is assumed to be innocent until he is proven guilty. It is not for him to prove his innocence, but for the prosecutor to prove his guilt.

Common Pleas.—The court of common pleas is the court having jurisdiction over all civil cases. Its powers are defined by statute, and is usually limited to a county in territorial jurisdiction.

Commonwealth.—A form of government in which the general welfare is considered rather than the welfare of any class. The term means the common "weal" or happiness, and the name is properly applied to a state or body politic having a free or popular form of government.

Compensation.—A sum of money paid to an officer for services performed; pay or salary.

Compromise.—An agreement reached by the parties to a dispute in which concessions are made on each side. An abatement of extreme demands or rights resulting in an agreement.

Compulsory.—Rendered obligatory by authority; that which must be done.

Concurrence.—Consent; agreement.

Concurrent.—Having the same right or claim; dealing with the same questions; agreeing in the same act or opinion.

Confederation.—A union of independent States or countries for mutual benefit.

Confirmation by the Senate.—The approval or sanction given through a majority vote of the Senate in secret session after due consideration of an appointment to office made by the President. Thus he may be said to act "by and with the advice and consent of the Senate."

Congress.—The name given to the National Legislature, consisting of two houses: the Senate and the House of Representatives. It is also the name of so much of the continuous life of that body as comes within the full term of office of a Representative: as the Fifty-ninth Congress, 1905-1907.

Congressmen-at-Large.—Whenever the number of Representaatives of a State is increased, and the legislature fails to redistrict the State, the additional members are chosen by the State as a whole. Congressmen thus chosen on a general ticket and not by district tickets, are called Congressmen-at-large.

Constitution.—The fundamental, organic law or principles of government of the Nation or State. The law upon which all future laws must be based; the written instrument embodying such organic law.

Consul.—A person who represents his country at an important foreign commercial town. His business is to protect the rights, commerce, travelers, and seamen of his country, and to increase the traffic with his country.

Contempt.—Disobedience to the rules, orders, or process of a court, or of the rules or orders of a legislative body. Such language or behavior, in the presence of the court, as would disturb its proceedings or impair the respect due to its authority.

Contract.—A written agreement between two or more persons, by which the parties agree to do, or not to do, a certain thing. It contains the terms and conditions, and, when signed by the respective parties, serves as a proof of the obligation.

Convene.—To cause to assemble; to come together; to meet as in one body for a public purpose.

Convention.—A meeting of delegates for the purpose of framing a constitution, nominating candidates, or adopting and setting forth a political platform.

Copyright.—The exclusive right allowed by law to an author or to his representative, of printing, publishing, and selling a literary composition during a certain period of time.

Corporation.—A body politic, formed and authorized by law to act as a single person, and having the capacity of succession. An association of persons authorized by law to transact business under a common name, and as a single person. A corporation is legally defined as a society with perpetual succession and a common seal.

Corporation Tax.—A tax levied upon a private corporation regarded as a person, or upon its earnings, or upon its stocks and bonds.

Corruption of Blood.—Technical taint or impurity of blood in consequence of an act of attainder of treason or felony, by which a person can neither inherit any estate nor transmit it to others.

Counterfeiting.—The making of false coin or bank-notes; the imitating of the money or securities of the United States or of a foreign country.

Counting a Quorum.—Previous to 1890, a favorite way of filibustering in the House was for the minority party to call for the yeas and nays on some motion, and then themselves refuse to vote. The majority party, thus left to vote alone, frequently through the absence of some of its members, could not show the majority necessary to constitute a quorum; and the House would be forced to adjourn from day to day. But Thomas B. Reed, Speaker of the House of Representatives in that year, decided that if a Representative was in the House, he was present and helped to form a quorum whether he answered to the roll call or not. If less than a majority answered to their names, he counted all who were in the House; and if his count showed a quorum, the bill was declared passed. Although bitterly opposed in this ruling, his action was sustained by the Supreme Court, and the practice has ever since been followed.

Court.—The place where justice is administered. A judge or judges sitting in the trial of cases. A tribunal established for the administration of justice.

Court Martial.—A court consisting of military or naval officers, for a trial of a member of the army or navy, or of offenses against military or naval law.

Crime.—Any gross offence against morality or the public wel-

fare; any outrage or great wrong, such as murder, robbery, burglary, or arson.

Currency.—A term often applied to United States Treasury notes, coin certificates, national bank-notes, and scrip circulating as a substitute for metallic money.

Customs.—Taxes paid on goods imported.

Debt.—Nearly all State and local governments, as well as National government, owe large sums of money which constitute public debts.

Declaration of War.—The public announcement of a state of war.

Deed.—A written instrument conveying real estate to an heir, a purchaser, or a donee. A deed of land sold contains the names of the seller and purchaser, the sum paid, and description of the land. It grants and conveys in express terms all the interest of the seller or grantor to the purchaser and his heirs forever; and the seller affixes his name and seal to the deed in the presence of one or more subscribing witnesses.

Defaulter.—One who fails to perform a duty, or who fails to account for public money entrusted to his care. One who fails to appear in court when called.

Defendant.—The person against whom a suit is brought.

De jure.—By right; of right; by law; opposed to **de facto.**

Delegate.—A person elected by the people of a Territory to represent them in Congress, where he has the right of debating, but not of voting. A person sent by others as their representative in a convention; as a delegate to a convention for the nomination of officers.

Democracy.—A government by the people; a form of government in which the people rule directly, meeting in popular assembly to make and to execute the laws.

Demonetization.—To withdraw from use as money; the refusal of the government to coin metal into money. The demonetization of silver lowered its price all over the world. Silver dollars and silver certificates, however, are still legal tender, and if presented at the Treasury would be exchanged for gold, dollar for dollar.

Department.—One of the branches into which the work of

government has been divided; especially one of the principal divisions of executive government; one of the three great classes of powers in government.

Dependencies.—Territorial possessions belonging to the Nation, but not forming an integral part of the United States. A Territory is incorporated into and forms a part of the United States. In general, the inhabitants of a Territory are citizens of the United States, while the inhabitants of a Dependency are not.

Deposition.—The written testimony of a witness, taken down in due form of law, and sworn to or affirmed by the deponent, before some authorized magistrate, and given in reply to questions and cross-questions.

Despotism.—A government in which there is practically no law but the will of the ruler.

Diplomacy.—The rules and customs which govern the intercourse of nations through their ministers. The art and practice of securing treaties.

Diplomatic.—Pertaining to diplomacy.

Direct Tax.—A tax paid by the person upon whom it is assessed.

Disability.—Lack of proper qualifications for office. Ineligibility.

Dispensary System.—A plan for dealing with the sale of liquor in such a way that the State controls the liquor traffic and also reaps whatever profit there may be in the business. The system is used in South Carolina and in some parts of Alabama and Georgia.

District Courts.—Courts established by Congress, and having jurisdiction in Federal cases within defined portions of the country.

District of Columbia.—A portion of territory ceded to the United States, and under the sole jurisdiction of Congress. It contains the Capital city — Washington — and the Capitol.

Docket.—An abridged entry of a judgment or proceeding in an action, or a list of such entries; a book of original entries kept by clerks of courts; a list or calendar of causes ready for trial, prepared by the clerks for the use of the courts.

Domain.—The territory over which the State or the United States exercise authority; the public lands. Including our new possessions, the territory of the United States embraces 3,690,822 square miles, an area greater than the territory of the Roman Empire under Cæsar Augustus. Our colonial possessions are comparatively small, but they are scattered over both hemispheres; and, when added to our vast continental territory, they give us an important increment of strength.

The right of eminent domain is that inherent power exercised by a government whereby it is able to control private property for necessary public uses, just compensation being made. This right of domain resides in several States of the Union as an incident of their sovereignty. It is closely allied with the right of a State to take the property of its citizens or subjects by taxation. No person can lose his property by eminent domain unless it be taken for public use, by due process of law, and for just compensation.

Dower.—That portion, usually one-third, of a man's estate which his widow is entitled to hold during her natural life; or that part to which a woman is entitled after the death of her husband.

Duress.—A state of compulsion or necessity in which a person is led, either by actual or threatened violence or by unlawful restraint of his liberty, to commit and offence or to incur civil liability.

Duty.—A tax levied on imported articles. Ad valorum duties are proportioned to the cost of the articles in the country from which they were brought, as shown in the invoice. Specific duties are proportioned to the quantity of the goods imported.

Election.—The public act of choosing officers of government.

Elector.—A qualified voter; a person entitled to take part in an election. A Presidential Elector is a person chosen, by vote of the people, to elect the President and Vice-President.

Electoral College.—All the Presidential Electors. The men chosen in each State to elect the President and Vice-President.

Electoral Commission.—A commission created by Congress to decide the disputed Presidential election of 1876. It consisted of five Senators, five Representatives, and five Justices of the Supreme Court.

Electoral Count Act.—The excited and perilous contest over the disputed action of 1876 induced Congress to pass (1887) an act which empowers each State, in case of controversy, to decide how its own vote stands; in case it fails to decide, the question then comes before Congress. The President of the Senate opens the Electoral certificates in the presence of both houses; he then hands them to the tellers, two from each house, who read them aloud and record the votes. If there is a dispute, the returns certified by the officially constituted State tribunal are accepted. In case of rival tribunals, the vote of the State is not counted unless both Senate and House of Representatives separately agree to accept one of them as official.

Eligible.—Legally qualified to be elected and to hold office.

Emancipation Proclamation. — The proclamation issued by President Lincoln, which took effect January 1, 1863, whereby slavery was abolished in those Southern States which were then in rebellion.

Embargo.—An order of the government forbidding the departure of ships from the harbors of the United States. The embargo act of 1807 was an attempt to bring Great Britain and France to terms by cutting off food products and other products and other exports. Called, by a simple derisive inversion of the letters, the **O grab me** act.

Eminent Domain.—The right to take public property for public use, notwithstanding the lack of the owner's consent. In Pennsylvania, the State has the right: a county can take land for roads and county buildings; and a township, for schoolhouses. The State has given this right to oil pipe lines and to railroads. A railroad may pass through private property anywhere without the owner's consent — cemeteries, and houses in which the owners live being excepted.

Equity.—The giving to each man his due according to natural justice and right. Cases in equity are those in which there are complicated accounts to be adjusted; injunctions asked, or relief asked when mistakes have been made; or when similar conditions arise in which there may be no law upon the subject. "He who seeks equity must do equity."

Evidence.—That which is legally submitted as a means of de-

termining the truth of any matter of fact under investigation before a court.

Excises.—Inland internal revenues. Money collected as taxes laid on domestic products, such as tobacco, distilled liquors, oleomargarine, etc.

Execution.—The carrying into effect the judgment given in a court of law; the writ empowering an officer to carry a judgment into effect; death lawfully inflicted: the giving effect to a legal instrument by signing, sealing, and delivering it.

Executive.—That branch of the government which carries the laws into effect, or secures their due performance. An impersonal title of the President of the United States.

Executive and Legislative Power.—In discussions relating to the Constitution it was objected that the Executive power is blended with the Legislative and can thus exercise undue influence. The President truly has an influence; but all such impulsive power can only be salutary, since he becomes the channel of communication between those who make and those who execute the laws. The Vice-President is not truly an executive officer while the President is in discharge of his duty, and when he is called to the Presidency his legislative voice ceases.

Executor.—One who is appointed by a testator, in his last will and testament, to see that it is executed or carried into effect after his decease.

Expansion.—A system of National polity which interprets the aims and destiny of the United States in a broad and liberal sense; so that the great republic may take an exalted place among the "world powers." Once confined to the North American continent, the United States, within one short year (1898) gained vast dependent territory.

Ex parte.—Proceeding from only one part or side of a matter in question. **Ex parte** evidence is that which is taken by one side or party in the absence of the other. Hearings before grand juries, and affidavits are **ex parte.**

Exports.—Goods sent out of a country in the course of trade.

Ex post facto Law.—Any law making an act a crime which was not one at the time of its commission; also any law increasing the penalty for an act beyond what it was at the time

of commission. Such laws are contrary to the fundamental principles of free government, and are prohibited by the Constitution of the United States.

Extortion.—This is the unlawful taking, by an official, of money or other things of value that are not his due, under color or influence of his office.

Extradition.—The surrender of a fugitive from justice by one State or country to another having jurisdiction to try the charge.

Extra Session.—A session of Congress called by the President for the consideration of special matters; a similar session of the State Legislature convened by the Governor.

Famous Dispatch.—In executive matters, when prompt action is needed, there is a great difference between being in a position where one can act and where one can only advise. Yet General John A. Dix came to the front when he sent to a Treasury official at New Orleans that dispatch which thrilled each Northern heart: "If any man attempts to haul down the American flag, shoot him on the spot."

Father of the Constitution.—The man who did most to bring harmony out of the sharp differences of plans and opinions that were manifested in the famous Federal Convention of 1787 was James Madison. He was but thirty-six years of age, yet his political experience was wide, since he had seen service in the legislature of Virginia and in Congress, where he had learned to know thoroughly the difficulties of the Confederation. Throughout the discussions,—in which Madison took part more than fifty times,—he strongly advocated a National government, well knit, forceful, and empowered to carry out its just authority. In all the war of opinions, in his quiet and sagacious way, he often suggested some middle course. In the end he had done such efficient work that he justly won the title "Father of the Constitution."

Federal.—Pertaining to or belonging to the Union of the United States.

Fees.—Compensation for official services, usually fixed by custom or regulated by law.

Felony.—Any crime of a serious nature; especially a crime punishable by imprisonment or death.

Feudalism.—A state of society based upon personaly relations growing out of the ownership of land. The tie between lord and vassal was commonly a tenure or holding of land upon rendering "homage," promising to be the "man" of his protecting superior, to aid him in battle, to pay taxes, and to acknowledge his jurisdiction. The term **feud** or **fief** signifies the land which was thus held on condition of military service.

Filibustering.—A term used to describe the use of obstructive and dilatory tactics by a minority, in order to prevent the vote on a measure to which they are strongly opposed.

Fine.—A payment of money imposed upon a party as a punishment for an offense.

Forgery.—The crime of fraudulently making or altering any writing or signature purporting to be made by another; the false making or material alteration of any record or written instrument for fraudulent purposes.

Franchise.—A right or privilege enjoyed by the citizen of a country. The privilege of voting at elections is called the elective franchise.

Franchise Tax.—A tax assessed upon the value of a right or franchise granted. Thus a corporation may pay a franchise tax for the right, conferred by a city council, to operate a trolley line upon a certain street.

Frank.—The privilege of sending letters or other mail matter free of postage; also the sign, mark or signature denoting that a letter or other mail matter is to be forwarded free of postage.

Free Coinage.—Legal permission given all owners of bullion to bring it to the United States mints and have it coined into dollars on payment of a certain sum for the cost of operation. The free coinage of gold is already allowed, if not practiced. Gold in bars or bricks is, for all practical purposes, as good as coin; and, in foreign trade, is more convenient to handle. But the free coinage of silver is not allowed; for the silver bullion is of less value, according to weight, than the silver dollar. That is, a silver dollar does not contain a dollar's worth of silver, as the gold dollar does of gold. The free coinage of silver would mean that all owners of silver bullion could bring it to the mints, and have it coined into standard dollars at the old ratio of weight and value, sixteen to one.

Free Delivery System.—The improvement of the postal service whereby mail is delivered at houses and places of business in all cities and large towns. Rural free delivery extends this advantage to rural districts.

Free Trade.—Commerce unrestricted by duties or tariff regulations. The theory that a nation's wealth and property are best protected by maintaining the greatest freedom in the exchange of all commodities among its own people, and with the people of other countries.

Fund.—A sum of money set apart for a special purpose.

Gerrymandering.—An expedient by which a party in power, by an unfair division of the State into districts, is enabled to secure more than a just proportion of the members of Congress or of the State Legislature.

Gold Bullion.—Uncoined gold, usually in bars or bricks.

Government.—The mode of administering the laws; the established form of laws; the persons authorized to administer the laws; the body politic. Governments change by the will of the people at stated times determined by the Constitution. Nations and States remain unless overthrown by violence, or by the people yielding up their corporate rights to be merged with others for the common good.

Government in the Colonies.—At the time of the Declaration of Independence there were three different kinds of government in the colonies. Rhode Island and Connecticut were true republics. Pennsylvania, Delaware and Maryland presented under the proprietors the appearance of limited hereditary monarchies. New York, Virginia, and the other six colonies were practically vice-royalties, with the governors appointed by the king. But in all the colonies alike the people elected the legislatures.

Amid such varieties of opinions and principles, all the political sagacity and good temper of the people was required to keep the country from a period of anarchy. The "Continental Congress" was a most remarkable body of men with which no other revolutionary body save the Long Parliament can be compared.

"Grandfather Test." — Connecticut, Massachusetts, Wyoming, and some of the Southern States require an educational qualification of voters. But in most of the Southern States the limita-

tion does not apply to persons whose ancestors had the right to vote before negro suffrage began. This "grandfather clause" is intended to prevent ignorant negroes from voting. But it must be evident that the idea of giving a man a share in the government because his grandfather had a share in it is un-American. No citizen in a republic should derive his distinction and acceptability as such from the status of his grandfather or great-grandfather.

Grand Jury.—A jury of not less than twelve men, nor more than twenty-three, whose duty it is to inquire into accusations of crime and to find bills of indictment if just cause exist.

Great Treaty with the Delawares.—This treaty of peace and friendship was made under the open sky, by the side of the Delaware, with the sun and the river and the forest for witnesses. Voltaire says of this Shackamaxon treaty, made in 1682, that it was the only treaty between the whites and Indians that was neither sworn to nor broken. It is certain that the Indians were touched by the sacred doctrines of peace, and received the presents of Penn in sincerity and friendship. As they gave the belt of wampum they said: "We will live in love with William Penn and his children, as long as the moon and the sun shall endure."

Greenbacks.—Legal tender notes of the United States first issued in 1862. They are so named because the devices on the back were printed in green ink to prevent alterations and counterfeits. Like gold coin and silver dollars, they are legal tender for all private debts. At one time the total amount of greenbacks outstanding was $600,000,000 After the resumption of specie payments in 1878 a large number of the greenbacks were redeemed and permanently retired. When the amount had been reduced to $346,000,000, Congress passed an act requiring that thereafter any of the notes redeemed should be re-issued. Greenbacks are receivable for all debts and public dues, and are redeemed in coin at the Treasury on demand.

Greenback Party.—A political organization which in 1876 demanded an increase in the amount of the paper currency issued by the government. This party developed considerable strength in the Western States. Eventually (1884) this party strongly advocated the issue of "fiat money," that is paper money issued

by decree or "fiat" of the National government. General Benjamin F. Butler, nominated for President on its platform, said: "I desire that the dollar so issued shall never be redeemed." He added that there was no more reason for the redemption of a paper dollar than for the redemption of a yardstick or a quart measure.

Gresham's Maxim.—Sir Thomas Gresham states the law that every inferior currency tends to expel the superior currency from a country. Issues of paper and depreciated silver cannot enlarge the money-volume because they not only displace gold, but also cause an increase in the price of everything that money buys. There is, under such circumstances, no real increase in the money-volume of the country, but only an apparent one. There are more dollars than before, but they are cheaper, since the individual dollar buys much less than before the inflation. Under such conditions the creditor loses, and so does the workingman unless his wages rise in the same ratio as do the prices. The safeguard against inflation is a currency based upon gold, or certificates representing deposits of gold. The ideal currency would be one containing nothing else. In all sound-money countries, the banknote is in course of becoming a simple gold certificate redeemable on demand.

Guardian.—One who has the custody of the person or property of an infant, a minor, or a person incapable of managing his own affairs.

Habeas Corpus.—"You may have the body." A writ having for its object the bringing of a person before a judge or court; especially for the purpose of inquiring into the cause of the person's imprisonment or detention by another, with a view of protecting his right to personal liberty. The writ is sometimes used to bring a prisoner into court to testify in a pending case; to obtain possession of children who are in the custody of other persons than the claimants; and to liberate persons confined in hospitals for the insane. In the case of persons held for crime, it can be granted in their own interest only before a regular trial. Congress has power to suspend the issuance of writs of **habeas corpus**. It is remarkable that this great safeguard of liberty dates from the reign of Charles II. of England. But such

reform was essentially the result of the intellectual march of the age; superior, indeed, to kings and statesman, and through their very follies pressing forward the great ultimate security of English freedom in the expulsion of the House of Stuart. The inglorious reign of the "Merry Monarch" is distinguished by the passing of this great Act, next to the Magna Charta as a bulwark of English liberty.

High Seas.—The open sea; that part of the sea not within the territorial limits of any particular country, usually distant three miles or more from the coast line at low water-mark.

Highway.—A road or way open to the use of the public.

Homestead Law.—An act of Congress regulating the settlement of public lands.

Homicide.—The killing of one human being by another. It is of three kinds: justifiable, excusable, and felonious. The latter may be either manslaughter or murder.

House of Representatives.—The popular branch of Congress, composed of Representatives chosen every second year by the people. A corresponding branch of a State Legislature.

Immigrant.—One who comes to a country for the purpose of permanent residence. What we need in this country is an intelligent and systematic effort to utilize the endeavors of immigrants, and to encourage them to enter the fields best suited to their success as useful Americans. Coming here unknown and unrelated, the immigrant is often forced into a life of servitude in stockyards or elsewhere, when he possesses the ability to earn a comfortable livelihood in the trade he learned in his fatherland. Some, under proper relations, would then be workers in brass and other metals; others adepts in the making of high grade furniture. Still others are interested in machinery, modeling, drawing, and a hundred diversified forms of creative effort. These men would then come to their employment with the happiness of those who work at that which they most enjoy; they would work at their various trades with all the zealousness of enthusiasts.

Imminent.—Threatening to occur immediately; near at hand; impending; that which is ready to happen on the instant.

Immigration.—The coming into a country of which one is not a native, for the purpose of permanent residence.

Late reports give the total number of aliens admitted into the United States during 1907 as 1,285,349 while 13,064 aliens were rejected. Of those admitted, 1,100,771 ranged in age from 14 years to 44 years, 138,344 were under 14 years old, while only 46,234 were over 44 years of age. About thirty per centum of the total number could not read or write. Concerning the financial condition of the immigrants, 873,923 brought less than $50, while 107,502 showed more than that amount. The total amount brought into the country by immigrants was $25,599,893, an average of about tweny dollars for each person.

Immunity.—A particular privilege; freedom from any charge, duty, obligation, penalty, or service.

Impanel.—To write or enter by name in a list, or a piece of parchment called a panel; hence, to form or enroll as a jury in a court of justice.

Impeachment.—A charge or accusation against a public officer for corrupt conduct in office. The House of Representatives has the right to impeach, and the Senate to try the person impeached. The impeachment consists of a solemn declaration, laid before the Senate by the House of Representatives, that in their opinion the person named is guilty of high crimes and misdemeanors in office, and should be brought to trial. It decides nothing as to the guilt or innocence of the person, and is similar to the indictment found by a grand jury. The chief-justice of the State presides at the impeachment trial of the Governor, and the Chief Justice of the Supreme Court of the United States at the trial of the President.

Impeachment of President Johnston.—The committee on reconstruction submitted a report in the House of Representatives February 24, 1868, recommending the impeachment of Andrew Johnston, and it was adopted by a vote of 128 to 47. The Senate was notified, and articles of impeachment were prepared. The trial was begun in the Senate on March 5, 1868, and eleven articles of impeachment were presented to the Senate sitting as a High Court of Impeachment. Chief Justice Salmon P. Chase presided at the trial. The oath was administered to him by Associate Justice Nelson, and the Chief Justice then administered it to the Senators. On May 16 the first vote was taken upon the

eleventh article, with the result of thirty-five for "guilty" and nineteen for "not guilty." On May 26 a vote was taken on the second and third articles, with the same result as before. A motion that the court adjourn **sine die** was then carried. Judgment of acquittal was then entered by the Chief Justice on the three articles voted upon. Five Republican Senators had declined to vote with their party, and but one vote was wanting of the two-thirds majority required for conviction.

Imports.—Merchandise brought into a country.

Imposts.—A tax laid by government on goods imported.

Inauguration.—The act of investing with power or authority in a formal manner. The President and Vice-President are inducted into office on the fourth day of the next March after election, unless such day is Sunday, when the ceremony takes place on the next day. The essential part of the inauguration is the oath of office, which is administered to the President by the Chief Justice of the United States.

Income Tax.—A tax levied upon income, profits, etc., or on the excess of these beyond a certain amount.

Incumbrance.—Any burden or charge upon property; any claim, lien, or charge upon an estate, which may diminish its value.

Indictment.—The formal statement of an offense, as drawn up by the district attorney, and found by the grand jury. An indictment to be valid must be endorsed "A true bill" by the grand jury. It serves as a basis for the trial of the accused person.

Indirect Tax.—A tax levied upon goods in the hands of the manufacturers or dealers, and really paid in the end by the consumers as part of the price of the articles. Such taxes contain in their very nature a security against excess. They prescribe their own limit; and that cannot be exceeded without defeating the end proposed—the extension of the revenue. If duties are too high, they decrease the consumption; and then the revenue is not so great as when the duties are confined within proper and moderate bounds. Thus a complete barrier is formed against any material oppression of the people by taxes of this class.

Ineligible.—Not qualified to be chosen for an office.

Information.—A written accusation, presented under oath, by

a district attorney to a court having jurisdiction of the offence charged therein.

Inhabitant.—A person who resides permanently in a place, as an inhabitant of a city, State, or country. The term includes citizens and resident foreigners.

Inheritance Tax.—A special form of income tax levied upon property acquired by inheritance or will.

Initiative.—The proposing of measures by the popular voice. The right to intruduce a new measure in legislation; as, the initiative in respect to revenue bills in the House of Representatives. In Switzerland, the right of petition has become the right of initiative in legislation.

Injunction.—A writ or process, granted by a court, whereby a party is required to do or to refrain from doing certain things. Generally the writ prevents the action, although by no means confined to that use.

Insolvency.—The condition of one who is unable to pay his debts as they fall due. An insolvent person is said to be bankrupt.

Insolvent Laws.—Laws by which debtors are exempted from arrest or imprisonment for debts previously contracted, on condition of giving up all their property for the benefit of their creditors.

Insurrection.—A rising of individuals against civil or political authority or against the established government. Open and active opposition to the execution of law. Each State has the right to enforce its own laws, but sometimes insurrections arise that simple State authorities are unable to subdue. The State Legislature or the Governor may then call upon the President for aid.

Internal Revenue.—That revenue which is derived from taxes laid upon domestic products, such as distilled liquors, tobacco, oleomargarine, etc. It includes also the fines levied for violations of the internal revenue laws.

International Law.—The rules regulating the mutual intercourse of nations. These are founded upon custom, treaties, and the dictates of reason, humanity, and utility. The sum of the rules or usages which civilized states have agreed shall be binding upon them in their dealings with one another.

Inter-State Commerce Commission.—The commission through which Congress exercises its right to regulate the commerce between the States, thereby controlling in a large degree such matters as the transportation charges for freight and passengers, and correcting abuses which center around these corporations.

Invasion.—The hostile and forcible entrance of an army into a foreign country.

Jeopardy of Life and Limb.—The peril or danger of imprisonment, maiming, or death. The cruel punishments which dismembered the body are no longer inflicted. If a man has been once acquitted, he cannot be tried a second time for the same offense.

Joint Rules.—Rules adopted by the Senate and House of Representatives for mutual convenience in the transaction of business.

Journal.—The minutes of the proceedings of each branch of Congress, published from time to time, except such parts as require secrecy. These records are very brief, and are similar to the minutes of any ordinary society. The Congressional Record, printed daily at the the government printing-office while Congress is in session, is a **verbatim** report of all that takes place in Congress. It is printed from the shorthand notes of the official reporters.

Judgment.—The decision or sentence pronounced by the court upon any matter contained in the record, or in any case tried by the court. In civil cases the decision is called **the judgment**, and in criminal cases **the sentence**. The carrying out of the sentence or judgment of the court is known as **the execution.**

Judicial Proceedings.—A record of all trials of the courts; a book containing accounts of all the court business.

Judiciary.—The judicial power, or that branch of government which has for its business the interpretation and application of the laws. It decides what is law, and what is not law. Yet the decision of the judiciary as to the constitutionality of a statute does not repeal the law; but the legal profession and the public admit, in general, the correctness and authority of the view which the Supreme Court takes.

Jumping Bail.—A term colloquially applied to the failure to appear in any court for trial after release on bail.

Jurisdiction.—In its most general sense, the power to make, declare, or apply the law. It may be limited to place or territory, to persons, or to particular subjects. The legal power, right, or authority of a particular court to try causes or to execute justice. It may be either original or appellate. A court has original jurisdiction when a case may commence in that court, and appellate jurisdiction when it may hear cases on appeals from lower courts.

Jury.—A body of men, usually twelve, qualified and selected as the law prescribes, impaneled and sworn to try a matter of fact, and to render their true verdict according to the evidence legally given in the case.

Justice.—Justice and equity are the same; but in law they are differently applied. Human laws, though designed to secure justice, are necessarily imperfect; hence an act which is strictly legal may be far from equitable or just. Courts of equity are designed to redress such grievances. Justice contemplates right according to the established law; equity contemplates right according to the law of nature.

Juvenile Court.—A special court intended to dissociate the trial of children from those of adults for its moral effect. Its jurisdiction covers cases with a criminal tinge, involving children under sixteen years of age.

Kidnapping.—The forcible taking and removing of a person for evil purposes.

King.—The titles, king, emperor, czar, etc., are applied to the personal rulers who in monarchies control the government, appoint the principal officers of state, and to whom, in theory at least, these persons are responsible. The amount of power actually exercised, and the responsibility borne by the ruler, vary in different countries, and determine the classification of the governments therein exercised.

Labor.—Toil or work; the condition under which civilization can alone exist. The volutary exertion of human beings put forth to attain some desired object. It may be either physical—**manual**—or mental. Certain laws relating to the employment of

children in various kinds of labor have been enacted by several State legislatures. Better laws concerning child-labor, however, should be enacted in the Commonwealth of Pennsylvania. Manual labor is done with the hands; mental labor is that which is done with the brain. Labor is either skilled or unskilled. Skilled labor is that which requires training, special knowledge, and experience for its performance. The accumulated product of labor is called capital; it may consist of tools, machinery, lands, bonds, railroads, money, and other forms of wealth—skill, knowledge, and experience.

Larceny.—Theft or stealing; the unlawful taking and carrying away of the personal goods of another. The stealing of property above a certain amount is called grand larceny; if the value of the property is of less amount, the offense is called petit larceny.

Law.—A rule of action prescribed by authority, particularly an enactment by the legislative power. A bill which has followed the course laid down by the Constitution. Laws made by the legislature are called **municipal or civil** law; the **political law,** or Constitution, is that fundamental law adopted by the people in their political capacity. **Criminal laws** are those which define offenses against the state and fix the penalties therefor. **Common law** is the name given to a large body of laws, both civil and criminal, established by the decisions of judges hundreds of years ago. Many cases came into the courts for which no laws had been made; so the judges were called upon to decide them according to the general principles of justice and the customs of the country. **International law** is the sum of the rules or usages which civilized states have agreed shall be binding upon them in dealing with one another. It is really an integral part of the common law.

Lease.—The letting of lands, houses, etc., to another for a time, usually in consideration of rent or other compensation.

Legal Tender.—That money or currency which the law authorizes a debtor to offer and requires a creditor to receive. Such an offer of payment as a creditor must accept or forfeit his right to interest on the amount due him. Gold coin is legal tender for its nominal value when not below the limit of tolerance in

weight; and when below that limit it is legal tender in proportion to its weight.

Standard silver dollars and treasury notes of 1890 are legal tender for all debts, except where otherwise expressly stated in the contract. Subsidiary silver is legal tender to the extent of ten dollars, minor coins to the extent of twenty-five cents, and United States notes for all debts public and private, except duties on imports and interest on the public debt. Gold certificates, silver certificates, and National bank-notes are non-legal tender money. Both kinds of certificates, however, are receivable for all public dues except duties on imports, and may be paid out for all public dues, except interest on the public debt.

Legislative.—Relating to that branch of the government which makes the laws; pertaining to a legislature.

Legislature.—The body of persons invested with the power to make and repeal the laws. The legislature of the United States is called Congress, and consists of the Senate and the House of Representatives. The veto power of the President makes him, in many cases, practically a third house.

Letters Testamentary.—An instrument granted by the register of wills to an executor after probate of a will, authorizing the latter to manage and settle the estate of the deceased.

Letters of **administration** are issued when an executor refuses to act, or is not lawfully qualified, or in case of a person dying without making a will. The court appoints an administrator, and the letters confer powers similar to those granted by letters testamentary.

Libel.—A malicious publication, printed or written, tending to expose a person to public hatred, contempt, or ridicule. Such publication is indictable at common law.

Liberty.—The privilege of living according to one's inclinations, and enjoying the free use of one's own property under the sanction of the law, and the protection of the state. Free people enact their own laws and elect their own rulers.

Library of Congress.—Among the libraries of the world the library at Washington ranks third. The annual report for 1907 shows that the library has 1,433,848 books and pamphlets, and 900,000 other articles. Among the recent additions is the Yudin

library, a collection of works on Russia and Siberia of over 80,000 volumes. A large collection of works on Japan, mainly in the Japanese language, has also been acquired. Special attention has been devoted to developing the collection of foreign documents. The expenses of the library, exclusive of $205,000 for printing and binding, aggregated $570,000.

License.—A form of taxes collected from merchants, peddlers, showmen, saloon-keepers, and others, for the privilege of conducting business. **High license** is a policy of attempted control of the liquor traffic through an increase of the license tax varying from three hundred dollars up to twelve hundred dollars.

Lien.—A legal claim; a charge upon real or personal property for the satisfaction of some debt or duty. Mechanics' liens may be filed against a building by persons who have not been paid for labor or material furnished in its construction. They must be filed in the office of the prothonotary, and then constitute a claim against the building until paid.

Limited.—Relating to a company in which the liability of each shareholder cannot exceed the number of shares he has taken. A limited monarchy is one in which the power of the ruler is restrained by a constitution.

Lobbying.—The urging of the adoption or passage of a bill by soliciting members of a legislative body; usually a pernicious use of influence.

Local Option.—The right of determining by popular vote within township, borough, city, or county, whether alcoholic beverages shall be sold within the civil division concerned.

Lockout.—A refusal by an employer to furnish work to his employees in a body.

Log-rolling.—A term applied to the act of combining to assist another in consideration of receiving assistance in return;—sometimes used as a mode of securing the passage of a particular bill, or of accomplishing other political schemes or ends.

Loose and Strict Construction.—An inclination to interpret the Constitution in a "loose" or liberal way by holding that the government may do many things not named in the document. A "strict" reading of the Constitution in the belief in "States'

rights," and that the Nation has only those powers that are mentioned in the Constitution.

Lynch Law.—The act or practice of inflicting punishment without legal trial, as by a mob of unauthorized persons. The term is of doubtful origin, but is said to be derived from a Virginian farmer named Lynch, who, having caught a thief, tied him to a tree and flogged him with his own hands. Lynching is a crime seriously endangering the rights and liberties of the people, since it is productive of disrespect and disregard for law and order. Courts of justice may remove all excuse for such violation of the sixth amendment to the Constitution by securing the prompt trial and unfailing punishment of the guilty.

Magna Charta.—The Great Charter of English liberty, obtained by the barons from King John at Runnymede, June 15, 1215. The barbarous mediæval Latin of the fortieth clause rings true to the best in modern civilization and freedom: "**Nulli vendemus, nulli negabimus, aut differemus rectum aut justitiam.**" "To none will we sell, to none will we deny, to none will we delay either right or justice."

Majority.—More than half; the number by which the votes cast for a successful candidate exceed those cast for all other candidates.

Mandamus.—A writ issued by a superior court and directed to an inferior court, or some corporation or person exercising authority, commanding the performance of some specified duty.

Mandatory.—Containing a command; preceptive; directing.

Manslaughter.—The killing of a person unintentionally and without malice, as upon a sudden quarrel, or while that person is committing some unlawful or criminal act.

Maritime.—Relating to the sea; marine; pertaining to navigation, naval affairs, shipping, or commerce; bordering on the sea.

Martial Law.—The law administered by the military power of the government when it has superceded the civil authority in time of war, or when the civil authorities are unable to enforce the laws. It is distinguished from **military law,** which is the code of rules for the regulation of the army and navy alone, either in peace or war. Martial law must also be distinguished from military government which differs in its application.

Marque and Reprisal.—Letters of marque and reprisal constitute a license or commission granted by a government to a private person to fit out a privateer or armed vessel to prey upon an enemy's shipping. During the Civil War many Confederate privateers were commissioned, but no letters of marque and reprisal have been granted by the United States since the war of 1812. Privateering is now generally condemned by civilized nations.

Message.—An official communication sent by the President to Congress, or by a Governor to a State Legislature. Also, a communication from one branch of the legislature to the other.

Military Government.—In its simplest form military government is military authority exercised in accordance with the laws and usages of war. Military oppression is not military government; it is an abuse of the power which the law of war confers. Those who administer military government should be guided by the principles of justice, honor, and humanity—virtues which adorn a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed. Military government must be carefully distinguished from **martial law,** which is of domestic application only. In the latter case the legality of the acts of a military officer may be questioned not only by his military superiors, but also by the civil tribunals of the territory in which such martial law may be exercised.

Militia.—The citizen soldiers of all the States. Men enrolled for instruction and discipline in the use of arms, but not called into actual service except in emergencies. All male citizens, between the ages of eighteen and forty-five years, are subject to service in the State militia unless exempted by law.

Minimum Salary.—An act was passed by the General Assembly in 1907, fixing the minimum salary to be paid to teachers at $40 and $50 according to their qualifications. This legislation will exercise great influence upon the remotest school districts of the State.

Minister.—A person sent to the capital of a foreign nation to transact diplomatic business.

Minor.—A person who has not attained the age at which full civil rights are accorded; one under twenty-one years of age.

Minority.—The smaller number, as of a legislative body;—opposed to majority. State of being under age.

Minority Presidents.—The Presidents who held office without a majority of the popular vote were John Quincy Adams, James K. Polk, Zachary Taylor, James Buchanan, Abraham Lincoln, Rutherford B. Hayes, James A. Garfield, Grover Cleveland, and Benjamin Harrison.

Misdemeanor.—A lesser kind of crime; an indictable offense not amounting to felony.

Monarchy.—A form of government in which the supreme power is in the hands of one person called a monarch.

Money.—The measure of value expressed in coin; whatever serves as a circulating medium, including bank-notes, checks, and drafts, as well as metallic coins. The President, in his first message to the Sixtieth Congress, advocated the enactment of some plan of currency reform that will supply an adequate amount of money for the growing needs of the business of the country, thus obviating a recurrence of the conditions which have recently created so much concern in financial circles.

Monopoly.—The exclusive possession of anything, as a commodity or a market; the sole right to buy, sell, or manufacture any article.

Monometallism.—The use of one metal only in the standard currency of a country, or as the standard of money values. The term monometallist, as generally used, is applied to one who believes in the single gold standard of values. The claim is made that the two metals—silver and gold—cannot be so coined that the market value of a gold dollar and a silver dollar shall remain the same. **Bimetallism** is the use of two metals as standards of value and as full legal tender, the purpose being to determine the coinage in such a way that both will circulate on a parity.

Mortgage.—A written instrument securing the payment of a debt. Deeds and mortgages should be signed by husband and wife, acknowledged before a legal officer, and recorded in the office of the recorder of deeds for the county.

Municipal.—Of, or pertaining to, a city or corporation having

the right to exercise local government. Less frequently,—relating to a State, kingdom, or nation.

Murder.—The taking of human life unlawfully or maliciously, with intent to kill.

Nation.—The entire body of the inhabitants of a country, united under an independent government of their own. A political community organized under a distinct government recognized and conformed to by the people as supreme.

National Bank.—A banking corporation established under the banking laws of the United States. Much of the paper money in circulation is issued by the National banks. These notes are secured by government bonds deposited in the United States Treasury. For debts between private individuals they are not a legal tender, but they circulate as well as certificates issued directly by the government.

National Guard.—The organized militia of all the States of the Union. The aggregate of this reserve army is over 100,000 men.

Naturalization.—The act or process of granting to an alien the rights and privileges of citizenship.

Natural Law.—The instinctive sense of justice and of right and wrong which is native in mankind.

Neutral States.—Those countries which are not engaged in the war, and, therefore, are entitled to certain rights as to the safety of their people and the protection of their commerce. At the same time, they must abstain from assisting any of the combatants.

Nihilism.—The negation of all government. It seeks to destroy all government through assassination of Presidents, and the adoption of other revolutionary measures. It is the duty of every American citizen to take all lawful means to overcome and destroy all influences injurious to the peace and welfare of the country.

Nobility.—Distinction by rank, station, or title, either inherited or conferred. The Constitution prohibits the granting of titles of nobility in the United States.

Nolle prosequi.—Will not prosecute; an entry denoting that the plaintiff discontinues his suit, or that a prosecutor will go no

further with the case. In a criminal case it discharges the defendant for a time, but does not operate as an acquittal.

Nolo contendere.—A plea by the defendant, in a criminal prosecution, which, without admitting guilt, renders him liable to all the consequences of a plea of guilty.

Nomination.—The act or process of naming a candidate for an office; the power of proposing such candidates; the state of being named as a candidate for an office.

Non compos mentis.—Not of sound mind; not having the regular use of reason; one devoid of reason, either by nature or from accident.

Nonsuit.—A neglect or failure by the plaintiff to follow up his suit; a withdrawal of a cause on the part of the plaintiff at the trial, either voluntarily or by order of the court.

Nullification.—The refusal of a State to permit an act of Congress to be carried out within the limits of that State. The so-called right is based upon the theory that the Constitution is a simple compact between the States. The assumption is made that each State has the right to determine for itself when an enactment of the general government is to be declared null and void. The right of secession is a kindred claim. The proclamation by President Jackson destroyed nullification, and secession died amid the terrors of civil war. The Constitution in all its aspects looks to an indestructible Union of indestructible States.

Oath.—A solemn declaration made with an appeal to God for the truth of what is affirmed; a solemn promise to tell the truth, the whole truth, and nothing but the truth. If the statement be wilfully false, the person making the oath is liable to indictment for perjury.

Objections.—Reasons which the President of the United States or the Governor of a State sets forth in justification of the vetoing of a bill. Sometimes principles of action are stated, as in a recent pension case wherein the President lays down the principle that honorable discharge from the service is a condition essential to the obtaining of a pension.

Oligarchy.—A government in which the supreme power is in the hands of a few persons. A name applied to a condition in government when a clique of political adventurers, possessed of

neither merit nor high birth, seizes upon the power of the state and holds it by force.

Ordain.—To regulate or establish by law or by appointment.

Ordinances.—Local laws enacted by a borough or city council. Also certain laws passed by Congress under the Confederation; as the Ordinance of 1787 relating to the Northwest Territory.

Original Jurisdiction.—A court of justice is said to have original jurisdiction when a case may be begun or originated in that court. Many cases, tried in the lower courts as courts of original jurisdiction, may be appealed to the higher courts for reconsideration.

Orphans' Courts.—A court which deals with the proving of wills, the settling of the estates of persons deceased, and the protection of the property of orphans. Called also the probate court.

Overt.—That which can be seen; open; public; manifest. An overt act is an open act, capable of being manifestly proved, and from which criminal design or intention may be implied.

Oyer and Terminer.—A term used to designate certain criminal courts which have jurisdiction in cases of murder, forgery, robbery, burglary, and other grave crimes.

Pardon.—An absolute release from the penalty inflicted by some court. An official warrant for the remission of a penalty.

Partnership.—A contract between two or more persons to carry on some lawful business for mutual benefit.

Party.—A body of electors having distinctive aims and purposes, and united in opposition to other bodies of electors in the community or political division in which it exists; especially one of the parts into which a people is divided on questions of public policy. One side in a controversy or suit at law.

Party Principles.—In the political history of our country the centralizing and decentralizing forces have always been at work. The dividing line between the two great parties is the same today that it was in the time of Hamilton and Jefferson. The party of **loose construction** of the Constitution is the Republican party, descended from the Federalists. The Democratic party comes in unbroken succession from the party of Jefferson—the Democratic-Republican party—and is the party of **strict con-**

struction. For the sake of control parties will adapt their principles to the issues of the time. Both of these great parties have at various times advocated measures not in strict accordance with their historic principles; but in general, the characterization given above will be found to be correct.

Patent.—A writing securing to an inventor, for a term of years, the exclusive right to his invention.

Pension.—A regular and fixed sum of money paid by the government to a person who has been disabled in the service of his country, or to the families of soldiers killed in service.

Perjury.—False swearing; a willful false oath; the crime committed when a person swears willfully, absolutely, and falsely in a fact material to the issue or point in question.

Personal Property.—All the property that is movable and temporary; including all property that is not real estate. It includes money, goods, stocks, bonds, mortgages, notes, jewelry, horses, carriages, household furniture, and farming implements.

Petition.—A formal request to government, in either of its branches, for the grant of some favor or the redress of some wrong.

Petit Jury.—In any particular case in law, a jury of twelve men impaneled to discover and pass upon the facts. The whole number of petit jurors drawn for any term of court is usually from forty to sixty.

Piracy.—Robbery on the high seas. Congress has power to define and punish this crime which is now almost extinct in civilized countries.

Plaintiff.—One who commences a personal action or suit to obtain a remedy for an injury to his rights;—opposed to defendant.

Platform.—A statement of the political principles upon which a political party proposes to stand. It usually deals in a general way with the leading questions of the day.

Plea.—That which is set forth by a party in support of his cause; the defendant's answer to the plaintiff's declaration and demand.

Plurality.—The excess of the votes given for one candidate over those given for another, or for any other candidate. When

there are three or more candidates, the person receiving a plurality may have less than a majority.

Pocket Veto.—The practical vetoing of bills by the President, through holding them so that the time for the adjournment of Congress happens between the time of reception and the close of the ten days allowed for consideration.

Politics.—The management of political party; the contests of parties for the control of public affairs through the election of candidates to office.

Poll Tax.—A tax levied by the head or poll.

Polygamy.—The crime of having many wives at the same time.

Pool.—A plan by which, through an agreement upon a uniform scale of prices, competition may be killed and a virtual monopoly established.

Posse comitatus.—The power of the county; or the citizens summoned by the sheriff to assist in suppressing a riot or in carrying out any legal orders.

Postage Stamps.—The denominations of ordinary postage stamps now used by the government range from one to six cents consecutively, and then go to eight, ten, thirteen, fifteen, and fifty cents; the dollar denominations being one, two, and five respectively. It will be observed that there are not many denominations to meet all the various weights of mail matter which come in for transportation, but there are enough. The thirteen-cent stamp was especially designed to meet the registry fee of eight cents and the regulation postage of five cents on foreign mail matter, and thousands are annually sold to persons living in this country who send registered remittances to friends and relatives abroad. Many foreigners within our limits even register their money orders. The thirteen cent stamp is dark gray in color, and bears the vignette of the late President Benjamin Harrison. From time to time various exposition and special issues are made, and have an initial sale value according to their denominations. Stamps of the Columbian, Trans Mississippi, Pan American, Louisiana Purchase, and Jamestown series are no longer issued by the department, and they have been withdrawn from sale at post-offices, although stamps of these series in the hands of the public, as well as all other ordinary

postage issued by the United States since 1869, will remain good for postage indefinitely.

Preamble.—The introductory clause of a constitution or statute, which sets forth the reasons and intent in the passage of the law. The preamble of the Constitution is also its enacting clause, since it gives the act all its force and effect.

Postal Savings Banks.—A name given to a system of banking carried on in connection with the Post-office Department. There is much to be said in favor of postal savings banks. They would be of especial advantage to many foreigners who do not understand our institutions, and often fear the best banks. Indeed, many foreigners cannot discriminate. Many of them send their savings to Europe by international postal orders, and the money is used or deposited in Europe, rather than here. Postal banks could not, however, accept large deposits from single individuals; but the deposit should be limited to $100, or certainly not more than $500, from one depositor.

Powers of Congress alone.—In some cases it is not necessary that the action of Congress be submitted to the President. The Constitution gives two-thirds of both houses of Congress the right to propose amendments to that fundamental law, and the Supreme Court of the United States has decided that such action need not be submitted to the President for his action. The amendment (Am. 13) abolishing slavery was submitted to President Lincoln in 1865, and returned with his approval; but no proposed amendment has since been submitted to the President.

Presidential Succession.—The succession is fixed by an act of Congress, and provides that in case of the removal, death, resignation or inability of both the President and Vice-President, then the Secretary of State shall act as President until the disability be removed or a President is elected. The remainder of the order of succession is as follows: The Secretary of the Treasury, the Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, Secretary of the Interior, Secretary of Agriculture, and Secretary of Commerce and Labor. This is the historical order of appointment. The acting President must, upon taking office, convene Congress in extraordinary session, if it is not at the time in session.

Presentment.—A written accusation set forth by the grand jury upon its own initiative, that is, without waiting for a bill of indictment laid before them by the district attorney.

Prima facie.—On the face of it; at first sight or appearance. **Prima facie** evidence is such as is sufficient to establish the fact unless rebutted.

Primary.—A meeting of the voters of a party for the purpose of nominating party candidates for local offices, or the selection of delegates to nominating conventions of larger voting areas. At a primary election, each voter casts his vote directly for the person whom he desires to have nominated, just as he does in the regular election.

Privilege.—Some peculiar benefit or advantage, some right or immunity not enjoyed by all.

Probate.—The proof of a will or testament, made by the executor before a competent officer or tribunal; the copy of such will made out under seal.

Probation Court.—A name commonly applied to the Juvenile court. By its action hundreds of dependent, delinquent, and incorrigible children are taken off the streets each year. Many are taken from their parents and either placed in charge of relatives and friends, or sent to industrial and reform schools. The work of this court is philanthropic, and is supported at present by public-spirited citizens and various civic and social organizations. Men who have been instrumental in starting this movement believe that these courts should be supported by the State. The success of the court cannot be disputed. Under the old order of things, children were dragged into court with other prisoners, and treated in much the same manner. The judges of the county courts sit in rotation, and decide what shall be done with the hundreds of children yearly brought before the court. A judge should be elected solely for the purpose of presiding over this court. It is strange that this excellent court still lacks a permanent fund for its maintenance. It should certainly be supported as an integral part of our system of justice. This valuable provision for dealing with juvenile offenders began with the Illinois Juvenile Court Act in 1899, and twenty-four other States have since enacted laws for placing juvenile

offenders on probation. By this method many children are rescued from the paths of crime, and there is corresponding benefit to society.

Procedure.—The steps taken in an action or other legal proceeding.

Process.—The entire proceedings in a legal action from beginning to end. The means taken for bringing the defendant into court to answer to the action; a general or generic term for judicial writs.

Prohibition.—The forbidding by law of the sale of alchoholic liquors as beverages. The "Maine Law of 1851" prohibits the sale and manufacture of intoxicating liquors except for medicinal and mechanical purposes.

Proprietary.—Relating to a form of colonial government, in which the Governor owned the land or held it under charter granted by the king.

Prosecutor.—The person who institutes and carries on a criminal suit against another in the name of the government.

Protection.—A policy of taxing foreign goods brought into this country, and the belief that American manufacturers are thereby protected and the country rendered commercially independent of other nations. The theory briefly stated is, that, in order to promote home industry, the importation of certain articles, from certain countries where they can be produced cheaper than at home, should be prohibited or restricted by heavy duties.

Pro tempore.—For the time or occasion.

Proxy.—A person appointed to act or vote in place of another. Stockholders can vote by proxy at the election of directors.

Pure Food Law.—After many years of desultory consideration of the subject, Congress has passed a pure food bill by a decisive vote. The bill makes it a misdemeanor to manufacture or sell adulterated or mis branded foods, drugs, medicines, or liquors in the District of Columbia, the Territories, and the insular possessions of the United States, and prohibits the shipment of such goods from one State to another, or to a foreign country. It also prohibits the receipt of such goods. Punishment by fine of five hundred dollars or by imprisonment for one

year or both is prescribed. In the case of corporations, officials in charge are made responsible.

Qualifications.—The qualities necessary to entitle one to vote or to hold office.

Quarantine.—Any forced stoppage of travel or communication on account of malignant or contagious disease, on land as well as by sea.

Quarter Sessions.—A court which exercises jurisdiction in cases of petty crimes, such as theft, assault and battery, etc.

Quorum.—The number of persons in any organized body necessary to do business. Unless some other number is required by law, a majority of the number of members constitutes a quorum.

Quo warranto.—A writ asking by what warrant a person or corporation acts or exercises certain powers; an information of the same nature.

Quibbles and Technicalities.—Anything peculiar to law or science, by means of which the truth may be evaded through artifice or some subtlety of argument. In the decision of repealed cases at law, there should be more equity and less dependence upon legal technicalities. Examples of injustice wrought by the judicial practice of letting mere technical errors outweigh the merits of the case are painfully frequent; so frequent, in fact, as to have become a reproach to our judicial system. It has been made altogether too easy for an appellant, who can command the services of expert legal quibblers as his counsel, to upset the honest action of judge and jury in the lower courts. In the hurry of business before these tribunals, errors are apt to be made. They may not be vital. They may be trifling verbal slips or lapses in the matter of formalities, which do not in any way effect the main offense. But when an appeal is taken, they count just as much as more important matters, and shrewd lawyers find them, under the present system, a most serviceable instrument. The abuse thus fostered is intolerable, and the public well being requires that it should be effectively corrected, so as to insure that a verdict honestly found shall stand, and that it shall no longer be one of the functions of the legal tribunals to supply loopholes for the escape of the offenders. The demand

for a decided reform in this matter of appeals can count upon the indorsement of every good citizen.

Ratification.—To make valid; to confirm; to establish or approve. To ratify a treaty or a constitution is to give consent thereto in the prescribed manner.

Real Estate.—Property consisting of lands and everything pertaining to it of a permanent, immovable nature; property in houses and land.

Rebate.—A reduction or decrease made in the regular charges for transportation or other service, usually for the purpose of favoring some individual or corporation at the expense of others.

Rebellion.—An organized uprising of the people for the overthrow of the government by force. A revolution is a successful rebellion.

Ratio of Representation.—The fixed number by which the population of a State is divided in determining the number of representatives to which a given State is entitled in an apportionment of Representatives in Congress. A number found in general by dividing the aggregate population of all the States by the whole number of representatives agreed upon. In order to prevent the House of Representatives from becoming unwieldy it becomes necessary at each census to increase the ratio of representation.

Reciprocity.—The granting of equality between the citizens of two countries with regard to commercial privileges to the extent provided in a treaty concluded.

Reconsider.—To take up for renewed consideration as a motion or vote which has been previously acted upon. A bill, vetoed by the President, must be reconsidered and passed by two-thirds vote of both houses of Congress if it is desired to make it a law.

Record.—The various legal papers used in a case, together with memoranda of the proceedings of the court. A court of record is one whose acts and judicial proceedings are written in books for a memorial. The records of one State are valid in another.

Referendum.—The name given to a method of enacting laws by direct popular vote. Constitutional provisions are submitted

to this process practically, as are also many questions which relate to local option in regard to the sale of liquor.

Registration.—The enrollment of the names of the qualified voters in registry lists compiled by the assessors.

Representative.—One who directly represents the people in Congress, as a member of the House of Representatives. A member of the lower house of the State Legislature.

Representative Money.—A name sometimes given to money paper as distinguished from paper money. A large part of the money now in circulation in the United States consists of gold and silver certificates stating that there has been deposited at the Treasury a certain quantity of gold or silver which the holder of the certificate may obtain by presenting the certificate at that place for redemption. Such money has been invented to save the trouble of carrying and handling real money.

Reprieve.—To delay the punishment of a prisoner, or to suspend for a time the execution of sentence. This is often done to give the prisoner time for the production of important evidence found after his conviction and sentence. A name given to the order to postpone sentence.

Republic.—A democracy adapted to the needs of a large nation by the introduction of the representative principle. A state in which the power resides in the whole body of the people, and is exercised by representatives elected by them.

Required Studies.—In the common schools of this State, orthography, reading, writing, arithmetic, geography, English grammar, U. S. History, and physiology and hygiene are peremptorily required to be taught in every district. The law permits and enjoins provision for instruction in such other branches as the board of directors may require. The introduction of other studies is optional with school boards, although the law concerning the qualifications of teachers names the other studies by implication.

Residence.—A residence or domicile is the place where a person intends to reside permanently. A person can have but one place of residence, and temporary absence does not change it.

Residents.—A broad term which includes not only the inhabi-

tants of a country, but all sojourners therein, such as travelers, tourists, and others.

Resignation.—The giving up of an office before the term of office has expired.

Revenue.—The annual yield of taxes, excise, duties, etc., received into the treasury of the nation, State, or municipality for public use.

Revenues of the State.—The revenues of the State of Pennsylvania for the fiscal year, closing November 30, 1907, were $26,426,000. This does not include an item of $601,000 representing the proceeds of a sale of United States bonds. The payments for the year 1907 were $25,581,466. The treasury balance at the close of the fiscal year was $12,885,710.

Revolution.—A fundamental change in a government or a constitution; the overthrow of one government, and the substitution of another, by the governed; successful rebellion.

Right.—That which one has a natural claim to exact; legal power or authority; that which justly belongs to a person; privilege or immunity granted by authority.

Rule.—That which is laid down as a guide for action; a governing direction for a specific purpose; a special order by the judge of a court; an order regulating the practice of the courts, or an order made between parties to a suit; the administration of law or government.

Right of Way.—This is the right to pass over the land of another to reach the highway or for other purposes. It may arise either by grant or prescription. Once acquired, the right remains unless surrendered. If roads are obstructed in any way, as by snow or floods, the right of passage over adjoining lands remains until the obstruction is removed.

Robbery.—The taking of property from another by force, or through fear of injury is called robbery. Piracy is robbery committed at sea.

Salary.—An annual or periodical payment for services. Salaries of officers in Pennsylvania cannot be changed during their term of office.

Salvage.—A compensation given to persons for saving property that has been abandoned at sea.

Schedule.—An appendix to a law or constitution, setting forth the manner of putting the same into effect. A catalogue, table, or list annexed to a larger document, as to a lease or to a will.

School System of the United States.—The Federal Constitution makes no provision for the establishment and maintenance of a school system by the National government. The only function exercised by the Federal government in regard to education is an advisory and instructive one, aside from the assistance given certain agricultural colleges, and the Federal support of the education of children in Alaska. The Commissioner of Education has general charge of these matters. The duties of the office of education are to collect statistics and facts showing the condition and progress of education in the several States and territories and to set forth such information respecting organization, management, and methods as shall aid in securing the efficiency of school systems and in otherwise promoting the cause of education.

The education of Indians and Esquimaux children of Alaska, together with the education of white children in that Territory is exclusively under the direction of the Commissioner of Education. Various funds arising from the revenues of that district are set aside for the purposes of education. The Commissioner also directs the operations of the reindeer establishments, where the natives are instructed in the care and management of the herds. The introduction of Siberian reindeer into Alaska was undertaken for the purpose of finding a substitute for the decreasing food supply of the natives.

Seal.—An engraved or inscribed stamp used in making an impression on wax, wafer, or other soft substance, to be set to a document by way of authentication or security. An oval or oblong, containing the word **seal** or the letters L. S. placed opposite the name of the signer, has practically the same effect. The impression of the seal is often made directly upon the paper.

Search Warrant. — A paper legally issued to a constable, authorizing a search of a house, or other place, for goods or persons.

Secession.—The withdrawal of a State from the Union. The Union is not a confederacy of sovereign States that can secede

at pleasure, but a Nation of people bound together by ties which cannot be dissolved.

Selections from Magna Charta.—No document in the history of any nation is more important than the Great Charter. The whole of the constitutional history of England is only one long commentary upon it. Wrung from an unwilling sovereign by the united action of nobles, clergy, and people, it embodies an admirable summary of the fundamentals of English government so far as they had matured by the early years of the thirteenth century. It was not an instrument, like the Constitution of the United States, providing for the creation of a new government. It contains almost nothing that was not old when the charter was granted. It gathers up within a single document all the important principles which had been recognized by the best of the English sovereigns, but which such kings as John had evaded in every way. King John was in no sense the author of the charter. The preliminary demands of the barons were worked over and discussed, and finally put in the form of the charter. It is a mistake to think of John as "signing" the charter after the fashion of modern rulers. There is no evidence that he could write, and he agreed to the terms of the charter only by having his seal affixed to the document. There is no one original Magna Charta in existence. Duplicate copies of the document were made for distribution among the barons. Two of these are in the British Museum. Three important clauses are given below:

36. "Nothing from henceforth shall be given or taken for a writ of inquisition of life or limb, but it shall be granted freely, and not denied."

This legal enactment had for its purpose the prevention of prolonged imprisonment, without trial. A person accused of murder, for example, could not be set at liberty under bail, but he could apply for a writ **de odio et atia** concerning hatred and malice—which directed the sheriff to make inquest by jury as to whether the accusation had been brought by reason of hatred and malice. If the jury decided that the accusation had been so brought, bail could be accepted until the time for regular trial. This process was very similar to the principle of **habeas corpus.** King John had been charging heavy fees for these "writs of in-

quisition of life and limb," as they are called in the great charter; but henceforth they were to be issued freely.

39. "No freeman shall be taken or imprisoned, or disseised, or outlawed, or banished, or in any way destroyed, nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land."

A person could not be dispossessed of his freehold rights, nor could he be declared out of the protection of the law, save by the regular courts. It is not to be understood that this clause implies jury trial in the modern sense. Jury trial was increasingly common in the thirteenth century, but it was not directly guaranteed in the Great Charter. This is, however, properly regarded as one of the most important parts of the charter. It undertakes to prevent arbitrary imprisonment and to protect private property by laying down a fundamental principle of government which King John was constantly violating. The principle involved marks very clearly the line of distinction between a **limited** and an **absolute** monarchy.

40. "We will sell to no man, we will deny to no man, either justice or right."

It is herein asserted that justice in the courts should be open to all, and without any payment of money to get judgment hastened or delayed. Extortions of this kind did not cease at the time Magna Charta was granted, but they became much less exhorbitant and arbitrary.

63. ....It is also sworn, as well on our part as on the part of the barons, that all the things aforesaid shall be observed in good faith, and without evil duplicity. Given under our hand, in the presence of the witnesses above named, and many others, in the meadow called Runnymede, between Windsor and Staines, the 15th day of June, in the 17th year of our reign. [1215] [Seal]

Securities.—An evidence of debt or of property, as a government bond. This is a substitute for money, and shows that the holder is entitled to money from the government.

Senator.—A member of the United States Senate; one who represents a State in Congress. A member of the State senate.

Senatorial Courtesy.—A custom of the Senate through which an appointment made by the President is not confirmed unless

approved by one or both of the Senators from the State most intimately concerned in the appointment. Unless the Senator or Senators belong to the majority party in the Senate, this coercive action against the independence of the Chief Executive is not taken. The effect of this so-called "courtesy" is to add to the possible improper motives of the President, the danger of the equally improper motives of the Senate. The most notable aspect of Senatorial courtesy, however, is that which enables a small minority to prevent final action upon a measure by continuing the debate and refusing to accede to a compromise for the purpose of reaching a vote upon the subject. Under this personal prerogative, a Senator during the closing hours of a session, may engage continuously in speaking upon a question until the hour of adjournment arrives, thereby preventing a vote upon a measure to which he is opposed. The rule of **cloture** or **closure**, in use in the House of Representatives, a method by which debate is closed and a vote hastened, is open to the objection that it has often been used to force the passage of ill-digested laws, on which the Senate has exercised the valuable function of amendment or disapproval.

Sentence.—In common law, a term exclusively used to denote the judgment in criminal cases; condemnation pronounced by a judge.

Session.—The actual assembly of a court, council, or legislature, for the transaction of business; the time or term during which such a body meets daily for business. Every Congress holds two regular sessions: a long session and a short session.

Sine die.—"Without a day." At the end of a session, a legislature adjourns **sine die**; that is, without naming a day for reassembling.

Sinking Fund.—A fund composed of sums of money set apart and invested usually at stated intervals, for the redemption of the debt of a government or corporation.

Slander.—A malicious utterance of falsehood for the purpose of injuring another.

Slate.—To register for a political appointment. A list of those persons whom a committee wishes to nominate at a convention.

Owing to the indifference of the voters, such "slates" are frequently accepted.

Socialism.—A form of political society in which the duties of government are made to include the ownership and operation of all land, machinery, and other instruments of production. Communism is a still more radical scheme, and abolishes all private property. Anarchism is the denial of the need of any government whatever; a political madness that is the deification of disorder. In its best sense, socialism is a system of reform making a complete reconstruction of society, with more just and equitable distribution of property and labor. It would involve an enormous increase in the functions of government. The government would own and control all railroads, canals, steamboats, telegraph and telephone lines, mines, forests, and farming lands, shops, factories, and mills. Individual enterprise, however, would disappear.

Society.—A group of individuals united for mutual industrial and social interests. The persons, collectively considered, who live in any region or at any period; the association of fellow-beings.

Social Morality.—The right of the State to teach morals in the public schools, wholly or partly on the basis of Biblical ethics, is at bottom the right of self preservation, because moral nations are those that live. Each State ought by statute to define its own right to instruct its public-school children in the fundamentals of social morality. This plan would not be vulnerable to any charge of infringing religious liberty, because it would stop short of touching religion—it would be limited strictly to the State's own undeniable self interest. One great sentence in the famous Ordinance of 1787 would alone be almost sufficient legal authority for it: "Religion, morality, and knowledge being necessary for good government, schools and the means of education shall be forever maintained." Without doubt the place for the State to set forth its moral requirements so as to impress most deeply the masses of its people is in the common school room. It is not only the right, but the positive duty of the State to inculcate the social morality which covers

justice and truth between man and man in the life here present and visible.

Sole.—Exclusive; only; being or acting without another.

Sovereign Government.—One which exercises within itself supreme power independent of and uncontrolled by any other government. One that is entitled to and possesses original authority and jurisdiction.

Speaker.—The chairman or regular presiding officer of the House of Representatives. The regular presiding officer in the lower house of a State legislature.

Specie.—Coin; hard money.

Stamps.—An indirect tax is levied when the government requires the affixing of stamps to letters, packages, and other forms of mailable matter, and to various instruments and forms of business in order to give them legal force. This tax is an economical and equitable mode of distributing the public burdens, for it touches the wealth of the country in transition, and at points where it needs government protection to insure security.

State.—The body politic; the nation; the whole body of people who are united under one government. One of the commonwealths which make up the Union. The term **State** is used in a technical sense in distinction from the government of the United States. Every State has the following political features:—A republican form of government; a written constitution; the three great departments of government; a legislature consisting of two houses; an executive called the governor and elected by the people; must conform to the United States Constitution; may remove high officials by the process of impeachment; supports a system of public schools; provides for the amendment of its State constitution; provides for local self-government; and recognizes the **common law** of England (Louisiana excepted).

Specific Purpose.—The rule that all appropriations must be made by law for a specific purpose dates from the practice in the English Parliament since the beginning of the reign of William and Mary.

State Sovereignty.—An idea held by those that insist upon a

narrow interpretation of the Constitution, and who favor great powers for the States rather than for the Federal government; States' Rights as distinguished from the rights of the Federal government. States are allowed to enter the Union with constitutions of their own making; but these must conform to the condition set forth in the Constitution of the United States, and also be submitted to Congress and accepted.

Statute.—An act of Congress or of a State legislature, declaring, commanding, or prohibiting something; a positive law; distinguished from common law, and from constitutional law.

Straight Ticket.—One containing the regular nominations of a party, without change. A **split ticket** is one containing the names of candidates selected from two or more parties.

Strikes.—Quitting work,—as of a body of workmen, in order to secure higher wages and the like.

Subpoena.—"Under a penalty." A process commanding a witness to appear and give testimony. Not to appear is contempt of court.

Subsidiary Coins: Minor Coins.—The fifty cent, the twenty five-cent, and the ten-cent pieces are subsidiary coins. These are legal tender to the amount of ten dollars. The cent,—bronze —and the five-cent piece—nickel—are minor coins, and are legal tender to the extent of twenty-five cents.

Suffrage.—A privilege granted to citizens; not, therefore, a natural or inherent right. The good of the state is the object of the granting of the privilege. The right to vote; the breadth of the suffrage being based on the idea that if a man has the right to vote, he will think upon public affairs.

Suit at Law.—Legal application to a court for justice; any legal proceeding before a court for the enforcement of a claim; a law-suit.

Summons.—A written notice, signed by the proper officer, warning a person as defendant to appear in court at a day specified, to answer to the plaintiff, or the like.

Sumptuary Laws.—Laws which regulate the prices of goods and the wages of labor; also laws regulating the cost of apparel, expenditures for food, and the use of certain articles. Such laws are not found in this country.

Surety.—One who agrees to answer for another's appearance in court, or for his payment of a debt; a bondsman.

Suspension of Rules.—A method whereby, by a two-thirds vote, a bill may be taken up and passed out of its regular order.

Suspension of Habeas Corpus.—In the summer of 1862, the opponents of the war took every advantage of the military disasters that came to the Federal arms, to discourage enlistments, to denounce the course of the government, to demand the cessation of hostilities, and to thwart in many ways the success of the Union cause. The difficulties in the way of conviction for treason were so many that President Lincoln issued an order suspending the writ of habeas corpus. This was a sign of the desperate straits into which the government was driven at that time.

Tariff.—A system of dues imposed by the government upon imported goods; a schedule of the rates of the various articles. A **protective** tariff is one which guards the producer from foreign competition in the home market by such rates of duties as will restrict or prevent importation. A **revenue** tariff is one which makes the duties so low that they furnish merely enough revenue to support the government, or, as is sometimes stated, "a tariff for revenue only."

Tax.—A charge laid upon persons or property for the support of government.

Taxation.—The act of imposing taxes. The power of levying taxes is, in a sense, the fundamental one upon which all the others depend; for no government can be stable and efficient without the power to raise money for its support. To devise and apply an equitable system of taxation is one of the most difficult problems of legislation. It should be studied and considered with reference to its one object:—the raising of a revenue for the government of the State or Nation.

Territory.—A part of the United States not yet admitted as a State, but having prescribed boundaries, and an organized government under a Governor and all other officers appointed by the President and confirmed by the Senate. In a broad sense the entire domain of the United States.

The Admiral of the Navy.—After the destruction of the Span-

ish fleet in Manila Bay, May 1, 1898, Commodore George Dewey was raised to the rank of Admiral, the grade being revived by Congress in order to honor him for his great victory. The rank ceases at his death or resignation. An Admiral of the navy ranks with a full General of the army, the latter a position which has not been in effect for many years. The next lower rank in the navy would be that of Vice-Admiral, corresponding to the rank of Lieutenant-General in the army. The office of Vice-Admiral is not now in effect, but there are Lieutenant-Generals on the active and retired lists. (1908)

The Succession to the Vice-Presidency.—The Senators choose one of their number President **pro tempore,** and he presides during the absence of the Vice-President, or when that officer has become President of the United States through succession to that office. The Senator so chosen then receives the emoluments of the office of Vice-President, but neither the title nor any other functions than those of the President of the Senate.

Titles.—Every member of Congress is addressed as "Honorable," and if the address is written, the house to which the member belongs is indicated by the letters M. C. or U. S. S. placed after the name of the Representative or Senator respectively.

Tonnage Duties.—Taxes levied upon the carrying capacity of a vessel.

Trade Mark.—A device adopted by manufacturers or dealers to mark the goods they make or sell, in order to prevent others from doing the same. The exclusive right of using the peculiar distinguishing mark is recognizd by law.

Treason.—Treason against the United States consists in making war against them by siding with their enemies, rendering them aid and comfort. No person can be convicted of this crime except on the testimony of two witnesses to the same offence, or on his own confession of guilt in open court.

Treaty.—An agreement or contract between two or more nations, for the purpose of regulating trade, co-operating effectively, fixing boundaries, or restoring and preserving peace.

Trespass.—Entering upon another's premises without permission is trespass. The owner of lands bounded by a highway owns to the center of the road, and has the right to use it in

any way that does not hinder the care and use of it by the public. The same is true of streams not navigable, if they form boundary lines.

Trial by Jury.—The right of trial by an impartial jury is the great guarantee of a just decision as to the facts in a case; for centuries one of the most jealously guarded rights of the people.

Tribunal.—A court of justice; literally the bench or seat on which a judge and his associates sit when administering justice.

True Bill.—The words "A true bill" are endorsed upon an indictment in case the grand jury finds enough evidence to warrant bringing the accused person to trial.

Trusts.—Enormous corporations which are able to control absolutely the production of certain commodities, and thus remove them from the healthy influence of competition. As a result, they are able to charge excessive prices for the goods produced. In this way a matter of private concern has become one of great public interest which the government alone can regulate.

Unconstitutional.—Not in accordance with the Constitution or fundamental law of the land. Used also in the same sense concerning the constitution of a State.

Uniform.—To be the same or alike. Naturalization, duties, imposts, and excises shall be uniform throughout the United States.

Union.—A term used to designate the Republic,—the Nation as formed by a union of all the States. The continuance of the Union is essential to the growth and prosperity of the Republic.

United States Shipping and Commerce.—During the year 1907 the imports amounted to $1,434,421,425, while the exports of domestic merchandise amounted to $1,853,718,034. The merchant shipping of the United States comprised 24,911 vessels, of 6,938,794 gross tons. In volume the merchant shipping under the American flag is surpassed only by that of Great Britain.

Usury.—The taking of more than lawful interest.

Vacancy.—A place or position unfilled; an unoccupied office.

Valid.—Having real strength or force; incapable of being rightfully set aside.

Value.—The purchasing power of an object. That quality in

an object which gives it power to command other objects in exchange.

Venue.—The place where an action at law is begun. The twelve men who are to try the case must be of the same venue where the demand is made.

Verdict.—The decision of a jury on the matter legally submitted to them. From the Latin **verum dictum**, a true saying.

Veto.—Literally, "I forbid." The power of the chief executive to prevent the enactment of measures passed by the legislative body; the exercise of such power. The veto prevents a bill from becoming a law on its first passage.

Viva voce.—By word of mouth; orally. Viva voce voting is a method opposed to balloting, and is employed in legislative bodies, the presiding officer deciding the vote by sound.

Voter.—One who has a legal right to express his choice at an election; an elector.

Voting Machine.—An invention which registers automatically each vote as cast, prevents the depositing of more than one ballot by any one person, keeps tally of the number of votes cast, and to a great degree prevents fraud and delay in counting the votes at the close of the election.

Voters in Washington City.—Residents of Washington, D. C., do not vote for officials, National or municipal. The territorial form of government was abolished June 20, 1874, and a board of three regents authorized. On June 11, 1878, Congress created a permanent government by three commissioners to be named by the President and confirmed by the Senate as are other Federal officers. Each house of Congress has a committee on the District of Columbia, and they appropriate money and make laws subject to veto, as do the councils of cities. The three commissioners are like department heads in a city. The ballot was extinguished because the refugee negroes then, as they do now, constituted one third of the population and in their ignorance, combined with grafting white politicians, they controlled the mayoralty of the old city. Much agitation has progressed for the restoration of the old voting privilege. The Federal government pays half of all taxes, which is not far wrong, considering the immense realty and public buildings

owned. But both parties have primaries at which National delegates are named. The President appoints a register of deeds and other district officials; also, the members of a district court, one judicial officer being virtually a police magistrate, although a United States judge.

Wages.—The price paid for labor. It varies with the intelligence and skill required in the work performed, the demand for the products, and the amount of competition.

Waiver.—The act of giving up some act or privilege which one might exercise: as, a person arrested may waive a hearing.

Warrant.—A process issued by a magistrate directing an officer to make an arrest, a seizure, or a search, or to do other acts in the administration of justice.

Wealth.—The collective name of all useful things which can be owned and exchanged. **Capital** is that part of wealth which is employed in production.

What are the Advantages of the Direct Vote.—The great political writer De Tocqueville was correct in his observation that "The cure for the evils of democracy is more democracy." Direct legislation in the form shown in the Swiss political trinity — initiative, referendum, and proportional representation — is not only good for Switzerland, but would be even better for the great Republic in North America. Opponents of direct legislation claim that, while it might destroy the sinister influence of corrupt lobbies and political bosses, it would still be ineffective because the people could not and would not vote as discriminatingly as the legislators, and very few voters would take the trouble to investigate the merits of the questions involved. The result would be that they would not take the trouble to vote at all on the issues, or they would vote without discrimination. On the other hand, the friends of the **initiative** and **referendum** are able to state that wherever practical and workable measures have been enacted, the good and practical results following have exceeded the most sanguine expectations of the supporters of popular and democratic government. It is undoubtedly true that the evils apparent in our government are due to a defeat of democratic conditions, to the rise of a despotic and unrepublican government in which oppression and despotism appear under

the guise of corporate or privileged wealth operating through political bosses and money-controlled machines. If, however, the people were given the chance to right these wrongs by the means of direct legislation, they would take an intelligent interest in the affairs of government and would see to it that corruption in public rule and plunder of the people should cease. Conservative naturally, they might move slowly, but the heart of the people is morally sound; and if the ignorant, who do not understand the need or nature of such measures, refuse to vote, then they disfranchise themselves for the good of the government. The **initiative** and **referendum** become the practicable and workable means of popular government. It is claimed by the friends of popular rule that, if the voters are once given the tools of popular government, they will instantly take their old-time enthusiastic interest in the government; and that city, State, and Nation will again become veritable schools for the study and practice of the principles of political economy.

When are you twenty-one?—Sharwood says, "A person is of full age the day before the twenty-first anniversary of his birthday."

Will.—The written instrument, legally executed, by which a man makes disposition of his property, to take effect after his death. A will to be valid must be made by a person of sound mind, and must be executed and published in due form of law. In certain cases, a man may make a valid will by word of mouth. A person who dies without executing a valid will is said to die intestate.

Writ.—An instrument in writing issued under seal by the proper authority, commanding the performance or non performance of some act by the persons to whom it is directed. A writ of **certiorari** is one issued by a superior court to call up the records of an inferior court, or to remove a case to a higher court in order that the party complaining may have more sure and speedy justice, or may secure a thoroughly impartial trial.

A writ of **election** is one issued by the Governor to the sheriff, authorizing him to give notice to the voters of a certain district.

A writ of **error** is one issued from a higher court to a lower court to examine the record of a case, in order that some al-

leged error in the proceedings or judgment of the court may be corrected.

See also **execution, injunction, mandamus, summons,** and the like.

Yeas and Nays.—A method of voting in which the clerk calls the roll, and records each man's vote after the name; as "yea," "nay," and in certain cases, "absent" or "not voting." The entering of the yeas and nays upon the Journal "puts a man on the record," and the public may know how the representatives voted on such questions.

When a vetoed bill is put upon its passage, the Constitution expressly requires that the vote be taken by yeas and nays. The House of Representatives votes by ballot when it elects the President. The Senate rules recognize no vote except by yeas and nays.

YOUR CIVIC CATECHISM.

1. **(a)** What was the purpose of the framers of the Constitution in providing that the President should be chosen by Electors rather than by popular vote? **(b)** Has their purpose been realized in this matter? **(c)** Give reasons for your answers.

2. **(a)** Who, according to the Constitution, are citizens of the United States? **(b)** What law, with reference to citizens of the United States, is each State forbidden by the Constitution to make?

3. What has been the uniform method of adopting amendments to the National Constitution?

4. Give reasons for and against educational qualifications for suffrage.

5. Why are governments necessary?

6. What is the object of having two branches of the State Legislature?

7. **(a)** State the general duties of the attorney general of this State; **(b)** his term of office?

8. Give the general duties of inspectors of election?

9. (a) Name the various forms of government known to history. (b) State which of these are now in existence.

10. Define the following terms used in the Constitution: Electors; oath; affirmation; judgment.

11. What are the conditions of eligibility to the United States Senate? The House of Representatives? By whom are our Senators chosen?

12. What is meant, in speaking of courts, by **original** and **appellate** jurisdiction?

13. What does the Constitution say about naturalization? What are the laws on the subject?

14. What amendments to the Federal Constitution grew out of the issues of the Civil War? State the substance of each of these amendments.

15. Define (a) treason; (b) letters of marque and reprisal; (c) the writ of **habeas corpus.**

16. How may a bill become a law? How may a State be admitted to the Union?

17. What is a State?

18. By what authority is the State divided into Congressional districts?

19. Name three qualifications that a voter at our State elections must have.

20. If an elector own land in several States, can he vote in them all? What facts determine his legal residence?

21. Can a State make a treaty with another State or nation? Give reasons for your answer.

22. (a) What is an extradition treaty? (b) What is an **ex post facto** law?

23. What is the **right of suffrage?** It it a natural or civil right?

24. Name the three departments of the government, and state briefly the duties of each.

25. It is proposed to elect United States Senators by a direct vote of the people. How must the requisite Constitutional change be made?

26. What are consuls? What are their duties?

27. Tell when, where, and by whom the following States were first settled: Pennsylvania, New York, Maryland, Virginia.

28. When and where did the first Continental Congress meet? State at least one thing that they did.

29. Why were the Articles of Confederation displaced by the present Constitution?

30. Explain definitely what is meant by the "Monroe Doctrine."

31. What was the cause of the war between the United States and Spain? What was gained in this war by the United States?

32. What was the great issue of the last presidential campaign? What is likely to be the issue of the next campaign?

33. Name one important law passed by the last Legislature of Pennsylvania affecting the public school system.

34. How many United States District Courts are there in this State? In which circuit of the Federal courts is this State located?

35. What other officers besides the judges are connected with the United States courts? What are their duties? How are they chosen?

36. Who is the sheriff of this county? What are his duties? How was he chosen? What is his term of service?

37. A certain town wishes to construct a sewer system, but has no money for that purpose. In what two ways may it legally proceed to obtain the required funds? Which would be the better plan?

38. Do you think that the government of the people of the United States would be a more perfect government if there were only one political party in the country? If not, for what reason?

39. Should the President be elected by popular vote?

40. Has the government of the United States the right to become the owner of the railroads and the telegraph lines of the country?

41. Is rotation in office conducive to the best desirable results in a republican form of government?

42. Would Congress be justified at any time in appropriating the surplus in the National Treasury to the payment of the debts of the States?

43. Would the union of the United States and Canada promote the welfare of the people of these two countries?

QUESTIONS IN CIVICS

1. Why is civil society necessary to mankind? 1, 2.

2. Define civics. What is the necessity of government? What are the great forms of government? 1, 4, 5, g6.

3. What is the governmental principle involved in the improvement of rivers and harbors at the expense of the United States? 2, 217.

4. What division of governmental power was made in ancient times?

5. Name the most common kinds of government. 4.

6. Name and define the two fundamental forms of government. 4, 5.

7. What is the object of government? Where does the government obtain its power? 4, 5, 6, 178, 186.

8. Define law. What is a constitution? g25, 8; 4, 176, 186, 268.

9. What is a democracy? What is a republic? Why may we call the United States a **representative democracy** or a **democratic republic?** 5, g10, g41.

10. What principles of our government are illustrated in an **election?** In a jury trial? In the **support** of the **public** schools **by taxation?** 5, 92, 133, 159.

11. What great social right has the child? What is the corresponding social duty of the parent? 6, 7.

12. Name the duty which belongs to each of the rights of an American citizen. 6, 7.

13. What is a right? Name the different classes of civil rights, and define each. 6, 7, 8, g42.

14. What classes of people are citizens of the United States? 7, 8, 10.

15. What is a duty? What is a right? 7, 8, g42.

16. What is the right of suffrage? Is it a natural or a civil right? 7, 111, g48.

17. Define and discuss eminent domain. 7, 145, 277, g11, 13.

18. Name some of our civic duties. 7, 305.

19. Distinguish between social and political rights. What civil rights does the State guarantee? 7, 8, 10, 124, 226.

20. In the earlier stages of social development how was crime punished? g23, g44.

21. Define civil liberty. 8.

22. Give a brief resumé of the nature and duties of citizenship. 8, 9.

23. What is the difference between an elector and a citizen? 9, 111.

24. Are all citizens of the United States electors? Distinguish between electors, inhabitants, residents, and citizens. 9, 10, 284.

25. How did Pennsylvania receive its name? What nickname has it? 12, 16.

26. Has Pennsylvania ever been part of another State? Was any other State ever a part of it? When did it ratify the Federal Constitution? 15, 16, 340.

27. What form of government existed in this country before the present time? State the fundamental difference between the present form and the former one. 18, 19.

28. What has been the historical development of the State Legislature? 19, 174, 175.

29. In which States does the county perform most of the work of government? 25.

30. Why is local government of great importance? 25, 36.

31. Describe the township type of local government. Where is it found? Describe the county type. Describe the county township system as found in Pennsylvania. 25, 27.

32. What is said in the State constitution concerning the organization and powers of townships? 382 [177].

33. How does the local government in Pennsylvania differ from that found in the New England States? 25, 27. From that in the Southern States? 26, 27.

34. How may you distinguish State authority from Federal authority? 27, 36, 185, 186.

35. How many townships in this county?

36. What is the smallest civil unit considered in this book? 28.

37. Name the officers of a township, and state their qualifications, duties, and terms of office. 28-36.

38. What names are given to the smaller political divisions in Pennsylvania? What are the units of local government in this State? Which of these may be called the elemental unit? 28.

37. Bound the county in which you live. When was this county organized?

40. How is a vacancy in the office of justice of the peace filled?

41. What is the unit of the educational system of the State? What are the duties of the school directors? 34, 164.

42. Name the officers in townships of the first class. 35.

43. Describe the election district in Pennsylvania. How are election officers paid? 35.

44. Is there a local board of health in this borough? What is it doing for the public health? 37.

45. Describe the organization of the borough. 37. Name the officers and state briefly the duties of each. 37-39. What judicial functions does the chief burgess perform by virtue of his office? 38.

46. What is a city? Distinguish between a borough and a city. 37-39.

47. Specify the classes into which the cities of this Commonwealth are by law divided. 39.

48. Name the officers of the city government. 40. What are their respective duties? 40-50.

49. What is the title of the chief executive officer of a city? 41. How is he chosen? What are his duties? 41.

50. What is the length of the mayor's term of office? 41.

51. How do justices of the peace and police magistrates receive their offices? 30, 46.

52. What is the title of the legislative body of a city? Of how many branches is it composed? 41.

53. How is a city governed? 39-50. How is the mayor chosen? What are his duties and functions? 41.

54. What are the duties of the city council? How are the members chosen? 41, 42. What is the title of the highest executive officer of a city? 41.

55. What does a city do in management of the criminal classes? Describe the municipal courts. 41, 43, 44.

56. What provision does the city make for recreation? 42.

57. Describe the public school system in cities. 43, 47.

58. What are the functions of the fire department? 44.

59. What are the functions of the police department? 44. What special need does it meet? State its form and organization. 44.

60. Upon what grounds would you justify an ordinance forbidding the building of wooden houses in the center of cities? 44.

61. How is a pure and adequate water-supply obtained? 44, 45.

62. Describe the form, organization, and activities of the health department. 44, 46.

63. What care is taken of the morals of the community? 44, 49.

64. How are the streets of a city cleaned? 45.

65. What constitutes the city judiciary? 43, 46, 49.

66. How does the city respond to the need for protection of life and property? 48.

67. How does the city provide for the needs of transportation and communication? 48.

68. In what way have cities affected the advance of democracy?

69. Name a few of the influences which tend to destroy the political morality of a city. 50.

70. What does Mayor Guthrie set forth as "the city beautiful?" 340.

71. What are some of the problems and dangers menacing great cities? 50. How may the well being of cities be secured? 50.

72. What agencies may work for the improvement of the government of a city? 50.

73. How many counties in this State? Have their names any historical significance? 51.

74. Where does county court meet? 51.

75. Prepare a list of the officers of this county.

76. Name five county officers, their terms of office, and two duties of each. 52, 55, etc.

77. Is the board of commissioners an executive or a legislative body? 53.

78. Who is the sheriff of this county? What are his duties? State the salary he receives. 53, 54.

79. What are the duties of the following officers: commissioners, 52, sheriff, 53, district attorney, 56, auditor, 57, and mayor, 41?

80. What aid does the National government give to the State in cases of invasion or domestic violence? 54, 266, 326.

81. Name the three departments of government, and state the functions of each. 52, 61.

82. In a criminal case who is the plaintiff? 56, 97, 257.

83. Are the representatives in the General Assembly apportioned by counties? State the rule by which they are apportioned. 63.

84. How many State senatorial districts are there in this Commonwealth? In which senatorial district do you reside? 63.

85. In what respects do the legislatures of the several States resemble each other? Why?

86. What name is given to the Legislature in Pennsylvania? What is the name given to the lower house? 63.

87. What provision does the constitution make in respect to the number of senators? 63. How is the number of representatives determined? 71. How many representatives at present? Is there any question as to the fairness of the apportionment? ["Gerrymandering."]

88. What are the qualifications, length of term, and salary of a State representative? 64, 65. Of a State senator? 64, 65.

89. Where, and how often, does the General Assembly meet? 64.

90. What are the qualifications of Senators in Pennsylvania as to age, citizenship, and residence? 64. What circumstances disqualify a person for membership? What are the qualifications of members of the house of representatives. What disqualifies? 64. What is the salary of a senator? Of a representative? 65.

91. Describe the manner in which the two houses are organized on the first day of the session. 65, 66. How may disorder and disrespect be punished? 67.

92. What are the powers of the General Assembly? 66, 67.

93. In what way is the action of the lawmakers limited? What is meant by the term "lobbying"? 67, 327.

94. Upon what subjects may the Legislature of Pennsylvania pass laws 67.

95. What prohibitions are placed upon the General Assembly by the State constitution? 67.

96. Name some of the subjects upon which the Legislature cannot pass special laws. 361.

97. How does a bill become a law? 68, 69, 71, 77.

98. How are laws made? Give an illustration. 68, 69.

99. How could the location of the capital of the State be changed? Is it conveniently located? 364, (73).

100. In whose name are the laws of the State enacted?

101. Describe the process of impeachment in this State. 70, 75, 374.

102. How are the executive functions of the State of Pennsylvania distributed? Name some of the administrative officers of this State. 72.

103. What are the powers and duties of the Governor? 69, 72-76. Of the Lieutenant-governor?

104. Does Pennsylvania give much or little power to the Governor? 72, 76.

105. Which of the executive officers are elected by the people? 72, 73, 78, 80.

106. What are some of the powers and duties of the secretary of the Commonwealth? Of the State treasurer? Of the secretary of internal affairs? Of the attorney-general? Of the superintendent of public instruction? Of the auditor-general? Of the adjutant-general? Of the secretary of agriculture? 72-81.

107. Which State officers in Pennsylvania are appointed by the Governor, by and with the consent of the State senate? 74, 77, 78, 79, 82-89.

108. Is the pardoning power an executive or a judicial function? In whom is it vested? 74.

109. Tell all you know about the board of pardons. 74, 87.

110. In case the Governor is not chosen in the regular way, what provision is made for the selection of such officer? 366.

111. How may the Governor's veto be overcome? 76.

112. Name some of the other officers of the State executive department. 82-89.

113. What services has the militia of the State rendered in recent years? 83.

114. What are the duties of the department of health in this State? 86.

115. What provision does the State make for the defective classes? 89, 90.

116. To what grade of government has the charitable function been assigned in this country? 90.

117. Name three important powers of the State judiciary. 91.

118. What is the function of the State judiciary? 91.

119. What is the meaning of trial by jury? When and where did it originate? 92, g43-45.

120. What is a grand jury? A petit jury? What is a panel? What is an indictment? 93, 94, 95, g21.

121. What are the names of the different State courts in this Commonwealth? 98.

122. What is meant by original jurisdiction? By appellate jurisdiction? 98, 99, g24.

123. Define each of the following terms: quo warranto writ, felony, letters of marque and reprisal, jurisdiction, high seas, impeachment, mandamus, and monometallism, g15, 19, 20, 28, 29, 30, 39; and 98, 215.

124. Give an account of each of the various grades of State courts. 98-108.

125. In what courts are the civil cases tried? The criminal cases? 99.

126. What is the function of the orphans' court? Of the juvenile courts? 100, 332.

127. How are judges selected in this State? 102, 105, 106.

128. What is the tenure of office of the county judges? 102.

129. What is the salary of the judges in this county? 102.

130. Who are the recording officers of the State courts? Who are the ministerial officers? 104.

131. Where and when does the superior court of the State hold its sessions? How many judges in this court? 105, 196.

132. What is the jurisdiction of a county court? 99. Of the superior court? 105. Of the supreme court of the State? 107.

133. What is the number of judges on the supreme bench of the State? 106.

134. Which is the court of last resort in a State? 106, 107.

135. How does the trial of a case on an appeal to a higher court differ from the original trial? 107.

136. Why should the term of office of a judge be longer than that of other officers? 108.

137. What can you say about the record of our judges? 108.

138. Where and when does the supreme court of the State hold its sessions? 108.

139. What is the origin of the impeachment of officers? 109.

140. In what body does the State constitution vest the power of impeachment? Which branch of the Legislature is the sole power of trial vested? 109.

141. What governmental principles are illustrated in the **impeachment** of a State officer? In the **impeachment** of a judge, or of a President? In the **inauguration** of the President of the United States? 109, 236, 343.

142. What offices are incompatible? What does the State constitution hold as to dueling? 110, 381.

143. What persons may be removed from office at the pleasure of the appointing power? Note the exceptions. 110.

144. What is the oath of office? What is the penalty for its violation? 110, 193, 196, 269.

145. Should candidates and parties give an account of their election expenses?

146. What are the advantages of the direct vote? 953.

147. What does the State constitution say about voters or electors? 111-126.

148. What requirement is made in this State in regard to the payment of taxes? 112.

149. Name three qualifications that a voter at our State elections must have. 111.

150. When may a young man "vote on age?" 112.

151. What are the regulations in Pennsylvania in reference to registration? 112, 119-121.

152. Are paupers permitted to vote in this State?

153. Does the right to vote in this State depend in any way upon the payment of any kind of taxes? Do all who pay taxes have the right to vote? 112.

154. When is the general election held in Pennsylvania? When are the local officers chosen? 113.

155. What privileges have voters during attendance at the polls? 113, 114.

156. Describe the voting room and booths. Name the election officers. 113.

157. Bring into the classroom a sample ballot. How are the names arranged? 115.

158. What principles of our government are illustrated in an election?

159. Describe the Baker ballot, and state the manner in which the names are arranged upon it. 115. What provision is made for mistakes? 116. Describe the manner of voting. 118.

160. How is the voter protected from solicitation, coercion, and bribery? Discuss officers and watchers. 117, 121.

161. If an elector own land in several States, can he vote in them all? What facts determine his legal residence? What is meant by the term of residence? 119.

162. What is meant by registration? Who compiles the lists? 112. State briefly the manner of registration in cities. What provision is made for non-registered voters? 119.

163. When is a vote said to be challanged? 119.

164. What are the purposes of registration? 121.

165. How much better is the bribe-taker than the bribe-giver? What is the penalty for bribery? 121.

166. How is the vote counted and the return made? 122. Discuss the ballot-boxes. 123.

167. What is meant by the term a majority? A plurality? Illustrate. 123, g34.

168. Make a brief statement of the new naturalization law. (1906), 124.

169. How do the rights of citizens differ in the several States? 111, 323. Describe the process of naturalization. 124.

170. How may a foreigner become a citizen? 124, 206.

171. Point out a few of the benefits an honest politician can confer upon the people.

172. What is the origin of political parties? 127.

173. Give an account of the development of party organization in the United States. 127.

174. In what relation does the individual voter stand to his party? 128. What is the relation of parties to the government? 127.

175. Give an account of the development of party organization in the United States. 127, 128, 217.

176. What are the methods by which candidates are nominated? Give an account of the nomination of a candidate for sheriff; for Congress; for Governor; for President. 128, 129-132, 228.

177. How are candidates for the General Assembly nominated? For mayor? How are Federal Senators nominated in this State? 128, 129, 195.

178. What political party had for its platform: "The Constitution of the country, the Union of the States, and the enforcement of the laws?"

179. What part is socialism taking in the politics of to-day? g46.

180. What is a primary? 129, g37. State briefly the Uniform Primaries Act of 1906. 130.

181. Discuss State and National Conventions. What services do political parties render when they nominate candidates? Write a short paper on the topic, "National Conventions." 130, 227.

182. What may be called the fundamental sovereign power of a government? 133. For what purposes are taxes levied? 134. How are taxes levied by the State? 136. For what special purposes are taxes levied in a township in Pennsylvania? 137.

183. Why must taxes be imposed? What are some of the reasons why the liquor traffic must be regulated? 134.

184. Show that taxation played an important part in the American Revolution. Where does the power to tax reside? 133, 135.

185. Distinguish between direct and indirect taxes. 134. State the various authorities in whom the taxing power is vested. 135. How are taxes levied by the United States? 136. What means has the owner of real property for securing change in the assessment of his property. 135, 136.

186. How are taxes assessed? 135. How collected? 136, 139. What property is exempt from tax? 140.

187. What is the nature of a sinking fund? g46, 139.

188. Discuss the office and powers of the State highway commissioner. 141.

189. Discuss the topic "Corporations and their Relation to the State." Has the State or the United States the constitutional right to become the owners of the telegraph and railroad lines of the country? 142, 144, 145, 146, 246, 301, 302, 328.

190. From what source do corporations receive their power? 143.

191. Give some of the more interesting and important facts concerning the railroads of the Keystone State. 147-152.

192. What is a common carrier? 147. Where does the State obtain the right to restrict and regulate railroads? 148. Discuss the Interstate Commerce Commission. 149.

193. Discuss the origin of the school system of Pennsylvania. 153-158. What were the "neighborhood schools?" 157. What is said concerning the rate-bill policy of the New England States? 158.

194. What was the estimate placed by Thaddeus Stevens upon his work in defense of the Free School Act of 1834? 159.

195. Name six men who have served as Governors of Pennsylvania. 160, 161.

196. Discuss the establishment of State normal schools in Pennsylvania. What is said of the system? 161, 170.

197. Discuss the schools of the present time. What is the school unit? 162. What is the amount of the State expenditures for schools? 165.

198. What is the free text-book system? 166.

199. What are the required studies in the common schools? 166.

200. To what children is the compulsory education law applicable? What are the exceptions? Who appoints the truant officers? 167.

201. What may directors do in regard to school libraries and kindergartens? 167.

202. What provision does the State make for the support of high schools? 169.

203. What certificates are issued to teachers? 171. What is the minimum salary? 171.

204. Discuss the annual institutes as factors in the advancement of the school system and the molding of public opinion. 172.

205. Name some of the colleges and universities of the State. What technical school has recently been established in Pittsburg? 173.

206. Discuss the development of the State constitution. How many constitutions has the State had? What were some of the most striking features of the first constitution? 174-176.

207. What was the Council of Censors? What is said of the veto? Of the single House of Assembly? 174-176.

208. Give a brief account of the growth of democracy in America. 175, 176, 287, 288.

209. Trace the development of the bicameral legislature in this country. What are its advantages? 175, 189.

210. In what respect are all constitutions a growth? 176. When was the present constitution of Pennsylvania ratified by the people? 176.

211. Where was the first organized effort made against American slavery? 177.

212. Why are laws necessary when there is a constitution? 177, 289.

213. What objects are set forth in the preamble of the State constitution? 178. Discuss the Declaration of Rights? 178-184.

214. What is meant by a preamble? g35, 178.

215. How does the preamble of the State constitution set forth a time of peace? 178. What words in the preamble of each reveal the democratic feature of the instrument? 178, 341.

216. What does the State constitution say concerning trial by jury, freedom of the press, freedom of speech, standing army, elections, and titles of nobility? 179, 180, 183.

217. When are prohibition laws effective?

218. Does the constitution of Pennsylvania say anything about the sale of intoxicating liquors?

219. How may the State constitution be amended? 183. Discuss three recent amendments. 184.

220. What is the scope of the State power? 185, 186.

221. Give a brief outline of the Government of the United States. 187.

222. What powers are vested in the Judiciary, and how are these powers exercised? 98, 187, 253.

223. What are the powers of the Executive department? 187, 224, 225.

224. State the primary function of each of the three great departments into which the Federal government is divided. 61, 187, 188.

225. What are the powers denied to Congress? What is **habeas corpus?** 219, g19, Give an illustration of an **ex post facto** law. 220, g14. What is a **bill of attainder?** 182, g2.

226. What is the supreme power in the British system of government? 189, 288.

227. In what respect is Congress a National body? 189, 270. In what respect is it a Federal body? 193, 270.

228. What are the qualifications, length of term, and salary of a Representative? Of a Senator? 190, 193, 194.

229. How is the number of Representatives determined? Of Senators? 190, 194.

230 Give the reputed history of the term "gerrymandering." Is there any sign of such action in the boundaries of the Congressional districts of this State? 191.

231. What is the number of Representatives in the present Congress? 190, What is the number representing this State? 194.

232. To how many representatives in Congress is the State of Pennsylvania entitled? 190, 193.

233. How are Representatives apportioned to the several States 190. By what authority is the State divided into Congressional districts? 191. How are representatives chosen? 191.

234. What is the constituency of a Representative? 191. Of a Senator? Of a President? Of a State representative in Assembly? Of a State senator?

235. How is a vacancy in the House of Representatives filled? 192. What are the qualifications of a Representative? 190. Of a Senator? 194.

236. Describe briefly the power of Congress and of the State Legislature over the election of Senators and Representatives. 70, 71, 191, 194.

237. What title is given to the presiding officer of the House

of Representatives? How does he obtain this office, and how long does he hold it? 192, 322.

238. Who is the present Speaker of the House?

239. What officers in Pennsylvania are required to take an oath or affirmation upon assuming office? 193.

240. Give an account of the election of United States Senators. 70, 193. What other plan has been proposed?

241. What does the State constitution say about corporations? 194.

242. State for whom and for what period the Senators in Congress are elected. 193, 194. What salary does a Senator receive? 196.

243. Who is the President of the Senate? Can he vote at any time? What are the other officers of the Senate? 195.

244. When does the Vice-President have a right to vote? 195.

245. How are vacancies in the United States Senate filled? 195.

246. If the President of the United States were to be impeached, how would it be done? 196, g20-21.

247. Who administers the oath of office to the new Senators? 196.

248. Write out in full that part of the Federal Constitution which relates to the arrangement of the Senators into classes. D2.

249. Discuss the Senate in regard to its characteristic powers. 196, 232, 237.

250. How may the President be removed from office? 196, g20-21.

251. Who presides in the Senate when the President of the United States is impeached? 196. Which President was impeached? 197, g20-21.

252. Give the history of a bill after it has passed Congress. Where must all bills for raising revenue originate? 197, 201, 202.

253. What duties do the committees in the two houses perform? 200.

254. How are the several Congresses numbered? 198. When does the legal existence of a Congress begin? When does it end? 198. What is the number—official designation—of the present Congress? 198.

255. When does Congress assemble? 198. Can it assemble at any other time? 198, 215.

256. Give an account of the two regular sessions of Congress. How are special sessions convened? 198-199.

257. To what extent are the members of Congress privileged from arrest and from being questioned for any speech or debate? 199.

258. What is the difference between an appropriation bill and a revenue bill? g2 and g41.

259. What is meant by the term Senatorial courtesy? g45. What are its advantages and disadvantages?

260. Can suit be brought against members of Congress for language used in debate? Why? 199.

261. How may disorderly conduct in Congress be punished? 200. Give historical instances of such action. How may a member of Congress be expelled? 200.

262. Describe the process of impeachment. 70, 75, 196, 353.

263. What constitutes a quorum in the House? In the Senate? 200, 329.

264. What is the rule concerning adjournment? What is the object of this rule? 71, 200.

265. Who makes the final decision as to who are entitled to a seat in either house of Congress? 200.

266. What constitutes a quorum? What means may be used in order to secure a quorum? What is meant by the term "counting a quorum"? g9, 67-200-231, 329.

267. What is the power of each house in regard to rules, order, adjournment, etc.? 200, 201.

268. What is the number of your own Congressional district? Of what counties is it formed?

269. What makes Congress the center of National politics?

270 Describe in brief the mode of passing bills. What is filibustering? How are laws made? 68, 201, 202.

271. Name five powers of a school board in Pennsylvania. 34. Name five powers of the Congress of the United States. 201, 217.

272. Name three of the most important committees of the House of Representatives. 201, 331, 332.

273. Under what circumstances may the President defeat a bill without vetoing it? What name is given to such practical veto? 202.

274. Is the money you pay for a postage stamp a tax?

275. How may the action of the President in vetoing a bill be overcome? 202.

276. Does the Constitution of the United States declare any general principle in reference to taxation? 203, 391.

277. What three restrictions does the Constitution of the United States place upon the taxing power of Congress? 203, 391.

278. Write the names of the different kinds of taxes. 134, 141, 203, 204, 220, 302.

279. When does Congress practically serve as a city council? 310. How is the District of Columbia governed? 215, 257, 310. What are the delegated powers of Congress? 203.

280. What is a tariff? 204. Distinguish between specific and ad valorem duties. g12.

281. Under what circumstances is the government justified in borrowing? 205.

282. What are United States bonds? What is money? 205, 208, g30.

283. When was the first Bank of the United States chartered? When was the first National bank organized in the United States?

284. Discuss the topics: money, bankruptcy, weights and measures, public credit, and commerce. 205,-208.

285. What State has been annexed? What State had no territorial government before admission? 206.

286. Give some examples of wholesale naturalization. 206.

287. Describe the circumstances under which Louisiana was acquired. 206, 321. State some facts concerning the acquisition of Florida; Texas, 206; California; Hawaii, 206, 320; Porto Rico, 263; The Philippines, 241, 263.

288. Suppose your gold certificate should be burned, would the government gain or lose?

289. Which do you see more frequently, gold certificates or silver certificates? What was the smallest amount for which you ever saw a gold certificate? The largest amount?

290. Is a United States bank note legal tender for all debts? What is the penalty for counterfeiting it? Where was the note you examined printed? 208.

291. What is counterfeiting? g9, 208.

292. What is meant by the term **demonetization of silver?** What is the siver certificate? g10, 208, 345.

293. How may copyrights be obtained? Patents? 211.

294. In what way do patents and copyrights promote the progress of science and the useful arts? 211.

295. What are the **implied** powers of Congress? How do they differ from **delegated** powers? 215.

296. What is an express power of Congress? Name four express powers of Congress, and three implied powers. 215,-217, -279, 321.

297. What power has Congress over government property? 215, 310, g53.

298. Why was the capital of the United States placed under the exclusive control of Congress? 215, g53.

299. What great names are closely connected with American liberty? 216, 223, 226, 282, 309, 321.

300. Hamilton claimed that the United States could establish banks under the "elastic or sweeping clause." What is this clause? 216, 392.

301. How are new issues absorbed by the great parties? 217. Give one great illustration.

302. State the principles held by the great political parties. 217. Name the minor parties, and state the principles held by each.

303. What were the political views of Thomas Jefferson? 205, 206, 216, 226, 309, 332. Of Alexander Hamilton? 217, 271, 273, 290, 292, 305, 309.

304. Distinguish between a "boss" and a leader.

305. Describe the permanent organization of a political party. Name two great parties, and tell wherein they differ in principles. 217.

306. Name some of the great politicians who have made political history. Who are the leaders at the present time? 217, 231, 266, 282, 296, 311, 319, 325, 331, 337.

307. Define **habeas corpus.** When has this writ been suspended? Who has the power to suspend **habeas corpus?** g19, 181, 219.

308. Why are taxes not levied upon exports? 220, 221.

309. Discuss in a general manner the powers of Congress. 203-217. How are appropriations made by Congress? 221, 332.

310. Before money can be taken from the Treasury, what is necessary? 221.

311. What are the powers denied to the States? 222, 223.

312. What is meant by obligation of contracts? g8, 223.

313. What is a treaty? How are treaties made? Name some celebrated treaties. 222, 237, 269, 307, 338, g51.

314. Name five subjects upon which the State can make no laws. 222.

315. Why should States be prohibited from forming treaties? 223, 269.

316. What is the necessity for having an Executive department in government? Show that the framers of the Constitution of the United States acted wisely in placing the Executive power in the hands of one person. 224.

317. Describe the Confederation of 1781. What were the most important powers of the Confederation? What were its defects? 224, 252, 288.

318. What must be the qualifications of a President as to residence, citizenship, and age? 225. What are the qualifications for the office of Vice-President? 225.

319. What officer in Pennsylvania corresponds in relative office to the Vice-President of the United States? 73.

320. What prohibitions does the Constitution place upon the States? 222-223.

321. What is the greatest duty of the President? 225. What are his Constitutional powers and duties? 237. What are the duties of the Vice-President? 195.

322. What defects in the Articles of Confederation made the central government weak? 224, 252.

323. What influence has the President upon the action of Congress, 238. What has been the general record of our Presidents? 225.

324. Should the President be chosen for a term of six years, and then be ineligible for a second term? 226.

325. Give an account of a Presidential campaign. 227. What

is the duty of a Presidential Elector? 226. How many electoral votes has this State? 227.

326. Describe the present method of electing a President. When do Presidential elections occur? 227, 228.

327. How many delegates are chosen from each State to the National conventions of each great political party? How are the Territories and Districts represented? 227, 228.

328. Describe the successive steps in the election of a President. 227-230.

329. State how Presidential Electors are chosen, and how they vote. 227, 228, 230. What were the defects in the original method of electing a President? 231.

330. When may the House of Representatives elect a President? 231. When may the Senate elect a Vice-President? 232.

331. Show how a minority of the People may elect a President. 232. Name the Minority Presidents. 233, g30. Discuss the topic "Minority Presidents." 232.

332. What dangers have arisen during the Presidential contests? 231. What was the Electoral Commission? 234. How was the Hayes-Tilden contest decided? 234, 351.

333. In case the President and Vice-President should both die or be removed, how would the Presidency be filled? g36, 234, 235.

334. How is a successor to the Presidency provided? 235.

335. What reasons can you give for not allowing the Vice-President to preside at an impeachment trial when the President is accused? 235.

336. Can the President have his salary increased? 236.

337. What is the salary of the President? 236. What name is given to his official residence? 236.

338. Discuss the inauguration of the President. When does it occur? 236.

339. What power has the Senate in reference to treaties and Presidential appointments? 237.

340. Discuss the powers and duties of the President of the United States. 237. By whom are the governors of Territories appointed? 263.

341. To what extent has the President the power of appointment? 237. The power of removal?

342. What share does the President take in the making of the laws? 238, 354.

343. What is the purpose of the President's message? 238.

344. Is the pardoning power a judicial or an executive function? 272. Is the veto power an executive or a legislative function? 238, 272.

345. Name the officers who form the Cabinet. 239. Name the present members of the Cabinet.

346. Give a brief statement of the work and organization of each of the great Federal executive departments. 239-251.

347. To which of the executive departments would you take a request for a passport in foreign countries? 240; a claim for pension? an application for a patent? an application for a copyright? an application for admission to the Academy at West Point? 211, 242, 245.

348. What is the object of a census? 95. Of what value is it to the country? 246. How are the results secured?

349. What is the "spoils system?" 248, 294.

350. What is the policy of the government as to the appointment and retention of employés? 248.

351. Mention some examples of executive business not under departmental control. 251.

352. How is the independence of the Federal Judiciary secured? Why is such independence important? 252, 253.

253. Explain the Judiciary system. Name the four grades of Federal courts, and tell what judges sit in these courts. 253.

354. Enumerate the kinds of cases which are tried in Federal courts. 253.

355. How are disputes between the State and Federal government settled? 253.

356. What is meant by the term jurisdiction? By original jurisdiction? 98. By concurrent jurisdiction? 99. How is the jurisdiction of the Federal courts determined? 253.

357. When and where does the Supreme Court of the United States meet? 254. Where does the supreme court of the State meet? 108.

358. What is the tenure of office of judges of the United States courts? 254.

359. What Federal circuit holds sessions in this State? 255.

360. In what cases has the District Court jurisdiction? 256. The Circuit Court? 256. The Supreme Court? 255.

361. In what relation does the Supreme Court stand to the people? 255, 272, 321.

362. In which circuit of the Federal Circuit Courts do you reside? Where does the Federal Circuit Court for this State meet? 256.

363. What is the function of the Circuit Court of Appeals? What is the nature of its jurisdiction? Where are the sessions of this court for the third circuit held? 256.

364. Describe the function and jurisdiction of the Federal District Courts. How many districts in this State? How many districts in the United States? 256, 257.

365. How many judges are there in the Federal District Courts of the United States? Where are the sessions of these courts held in Pennsylvania? What is the nature of their jurisdiction? 256, 257.

366. Name some of the officers connected with the Federal courts. What are their duties? How are they chosen? 257.

367. Discuss the Court of the District of Columbia, and the Territorial courts. 257.

368. What is the function of the Court of Claims? 257, 296.

369. What are consular courts? What jurisdiction do such courts have? 258.

370. What are courts-martial? What is the jurisdiction of such courts? 258.

371. What does the Constitution of the United States provide in regard to jury trial? 259.

372. Describe the government of the District of Columbia. 215, 257. Of Arizona. 258, 262. Of Alaska. 263. What is the character of the present government of Cuba? 263.

373. Define treason. What is the meaning of the term corruption of blood? 259. What questions arose during the trial of Aaron Burr for treason? 309.

374. Name and describe the interstate relations established by the Federal Constitution. 260-269.

375. Why should the existing relations between the States and the Nation be preserved? 260-266, 286.

376. What is meant by extradition? 261, g14.

377. Discuss the Fugitive Slave Laws. 261.

378. Describe the steps taken in the admission of a State. Could Congress admit a State having a king as its executive? 262, 266, 307.

379. What measures does Congress take in the admission of a State? 262.

380. How are new States admitted? 262, 307.

381. What are the relations of the United States with Cuba? 263.

382. Describe the government of the Panama Zone. 263. Of Porto Rico. 263. Of Hawaii and the Philippines. 263. Of Guam and Samoa. 263. What is the strategic value of Pearl Harbor?

383. Discuss the topic "Public Lands." What plan did Jefferson suggest in regard to surveys? 264.

384. Describe the Continental Congress. What may be called the great act of the Congress of the Confederation? 265. When was the Confederation formed? How long did it last? What were its principal defects?

385. Discuss the effects of the Ordinance of 1785 and the Ordinance of 1787. 265.

386. How long were the Articles of Confederation in force? 265.

387. Set forth the influences of the Ordinance of 1787 upon the political history in reference to slavery, self-government, and education. 265, 282, 310.

388. What political features have the States in common? 266. Name the powers each may exercise. 223.

389. What is the nature of the republican form of government to which each State is entitled? 5, g41, 266.

390. How may the Constitution of the United States be amended? 266-267.

391. Define constitution, convention, and compromise. What were the compromises of the Constitution of the United States? g7, 8, 267-271.

392. What is said concerning the clause granting the power of amendment? 268.

393. How does history prove that the people in 1787 had great

need of the very objects set forth in the preamble of the Federal Constitution? 268, 269.

394. What is meant by "oath of office"? What is an affirmation? g1, g32, 269. What does the Constitution say about religious tests? 269.

395. What questions concerning representation arose in the Convention of 1787? What was the Virginia plan? What was the plan proposed by some of the smaller States? What was the compromise plan proposed by Connecticut? 193, 218, 270, 271.

396. Name the compromises of the Constitution. 269-270.

397. What does the Constitution say about Indians? 270, 283.

398. How may one department of the Federal government maintain its independence with respect to the other two? 271, 344.

399. Name some of the checks and balances found between the great departments of the Federal government. 271.

400. Explain fully the authorship and influence of "The Federalist." 271, 305, 315.

401. Name three famous men who have been Chief Justices of the United States, and give a brief sketch of decisions rendered by them. 223, 309, 315-271, 290-298.

402. Why is one department likely to attempt any encroachment upon the rights of another? 344. How can such encroachment be prevented? 271.

403. What is the effect of the Supreme Court in declaring a law unconstitutional? 272.

404. How was the Constitution ratified? What State was the last one to ratify it? 272, 340-342.

405. It has been proposed that the members of the Cabinet be allowed to appear in Congress and urge upon that body the passage of measures which are desired by the President. 344. What principle would such a course violate? 272.

406. How many amendments have been made to the Constitution of the United States? What is the nature of the first ten amendments? 273-290, 274.

407. What great and essential principles of liberty are set forth in the State constitution? 179-183. What form does the Bill of Rights take in the Constitution of the United States? 274.

408. Two of the twelve amendments originally proposed by Congress failed to receive the necessary ratification by three-fourths of the States. 274. As a topic for historical study, trace the history of other proposed or suggested amendments.

409. What is a Bill of Rights?- 273, g3. Has the State constitution a Bill of Rights? 179-183. What is the Bill of Rights in the Federal Constitution? 274.

410. Which of the amendments to the Constitution of the United States echo the phrases of Magna Charta? Of the Declaration of Independence? 274. When were the first ten amendments ratified? 274.

411. Which amendment makes possible the State militia? 275.

412. What are some of the rights essential to **civil liberty?** 275.

413. How are persons made secure in their homes—that is, safeguarded against unreasonable searches? 276.

414. Which amendments set forth **common-law rights?** 276, 277, 278.

415. What is meant by common law? By equity? By statutory law? By international law? g13, 23, 25; and 277, 349.

416. Discuss the topics, **bail,** and **trial by jury.** 278.

417. Which amendments deal with reserved rights? 279.

418. In what way is the punishment of crime restricted by the Constitution? 279.

419. What authority is given in the Federal Constitution for the acquisition of territory by the National government? 279, 321.

420. What does the Federal Constitution say about punishments? 279, 399.

421. What important changes were effected by the eleventh and twelfth amendments? Give the respective dates when these amendments were passed. 280, 281.

422. What is the effect of the eleventh amendment? 280-281.

423. Which provision of the Federal Constitution prevents a citizen from suing a State without its consent? 280, 281, 356.

424. What remedy have the people against the setting aside by the Supreme Court of any law which the people want? 280, 283.

425. What methods have been suggested for the regulation of the liquor traffic? 281.

426. Give an account of any famous decision made by the Supreme Court of the United States. 223, 280, 283, 297, 311, and 321.

427. What is the subject of the twelfth amendment? 281.

428. Is the approval of the President necessary in the case of an amendment to the Constitution? 282. To what legislative actions besides bills is the approval of the President necessary?

429. Name the three great amendments which grew out of the results of the Civil War. 282-287.

430. What change did the fourteenth amendment make in the character of citizenship in the United States? 284.

431. What is the meaning of the term Federal? What does the individual State lose by entering a Federal Union? What does it gain? In what respect does a Federal Union differ from a Confederation? 286.

432. Discuss the topic "Constitutions a Growth." 176, 287.

433. In what countries did democracy flourish in ancient times? How did feudalism affect popular government? 287, g15.

434. What is Gladstone's saying in regard to the Constitution of the United States? 287, 289.

435. Why will not the ordinary civil courts suffice for the trial of military cases? 258.

436. What are the three stages in Territorial government? 262.

437. What is the Constitutional provision for admitting new States? 262, 396.

438. What was the Ordinance of 1787? 265, 282, 310.

439. Why is it more important to forbid the "quartering of troops" in time of peace than in time of war? 276.

440. Explain the fundamental principles of liberty and free government which the English people successively wrested from the Crown and which are embodied in the Constitution of the United States.

441. Who are citizens according to the Constitution of the United States? 283. Is a woman a citizen? 8. Are children born abroad of American parents citizens? 226. Are Indians citizens? 283.

442. What is the origin of the phrase "the spoils system"? 294.

443. Boycotting is legally condemned as a crime against the liberties of the people. Imported from the tyrannies of the Old World, it does not agree with the spirit of our free people. Why?

444. What is Magna Charta? 287, g28. State its most important provisions. 274, g43. What was the "Petition of Rights"? 288.

445. What is said concerning the advantages of coördination in history and civics? 291. Discuss any topic in civics mentioned in a recent newspaper or other periodical.

446. Trace the order of the succession of cabinet officers to the Presidency in the historical order of establishment of the executive departments. 292.

447. How was the National Capital located in 1791? 292, 293.

448. What is the relation of the thirteenth amendment to the Wilmot Proviso and the Ordinance of 1787? 282, 294.

449. Discuss the Monroe Doctrine. 294. What has been called the Monroe Doctrine of the Pacific? 319.

450. What were Lincoln's views on reconstruction? 299.

451 What is the manner of organization of the House of Representatives? 300.

452 What is meant by the term "minority representation"? Compare it with **cumulative voting** and the **limited vote** used in Pennsylvania. 301.

453. What is the single tax? 302.

454. Give Mayor Guthrie's definition of a "city beautiful." 305.

455. What is meant by the term "public finance"? 305, 309.

456. Discuss: "The new star in the flag"; "The Civil War and its issues"; "The victory at Manila"; "The distribution of governmental powers"; and "The growth of democracy." 307, 310, 312, 315, 316.

457. When did Oklahoma become a State? What is its popular name? 307-308.

458. How many States in the Union? What are the Territories? 308, 263.

459. What is said of Hamilton as a constructive statesman? 309.

460. Who are the committing magistrates of the Federal

District Courts? How are they appointed? What are their duties? 314.

461. In what way is immigration a benefit? In what way is it an evil? To what extent is it now being restricted? 317, 318, 334, 335, g20.

462. Make an expansion map of the United States, marking and dating the several purchases and cessions.

463. Where is Pearl Harbor? What is "The Monroe Doctrine of the Pacific"? 319.

464. What can you say of the strategic importance of the Hawaiian Islands? 319-321.

465. Who gave the **loose construction** of the Costitution its broadest interpretation? 321.

466. What does the Constitution of the United States say in regard to labor? What clauses concerning labor are found in some of the State constitutions? 324-326.

467. For what purposes do workingmen combine? 324, 325.

468. In what way have the States attempted to settle labor disputes? 325.

469. What is **industrial war**? 325, 326.

470. What are the chief weapons in the strife betwen capital and labor? What in a **board of arbitration**? 324-326.

471. What remedies have been proposed for the evils connected with trusts? 327.

472. **Name** some of the large **trusts** in the United States. 327.

473. What is a trust? 326. What action has Congress taken regarding great corporations? 327. What are some of the advantages and disadvantages of trusts? 327.

474. What is meant by the term "counting a quorum"? 329, g9.

475. What is Gresham's maxim? Illustrate its workings in our recent history. Define the terms **free coinage, greenbacks,** and **gold standard.** 329, 330, 331, 345.

476. What great political principles are set forth in the Declaration of Independence? 332.

477. In what respects are men really equal? 332.

478. How may constitutional liberty be preserved? 333.

479. Give the Southern view of the limitation of negro suffrage. 323. What do you regard as the right view? 333.

480. Discuss the topics: "Chinese immigration", "The Japanese treaty", and "The demonetization of silver." 334, 337, 345.

481. What has been the example of the United States in respect to arbitration? 337, 338.

482. What sobriquet has Rear-Admiral Evans gained? 339.

483. Which State was first to adopt the Constitution of the United States? Which one of the original States was the last to ratify the instrument? 340-342.

484. Upon what grounds did Patrick Henry oppose the adoption of the Constitution? Was his statement concerning the National government correct? 341.

485. State some facts concerning the inauguration of the President. What may be said of this ceremony? 343.

486. What were the provisions of the "Bland-Allison Act?" 345.

487. If you are worth your weight in gold, how many dollars are you worth? 345.

488. The law of 1792 says: "Every fifteen pounds weight of pure silver shall have equal value in all payments with one pound of pure gold." Why not 16 to 1 or 20 to 1? g16, g18, 345.

489. What circumstances led to the repeal of the "Sherman Act?" 345. 346.

490. What great works has the sculptor St. Gaudens left? What were the words of the mother of Col. Robert G. Shaw? 346.

491. To what extent is the **initiative and referendum** in use in the United States? 347.

492. Discuss the topics: "Equity", "Injunctions", and "Nullification and Secession." 348, 349, 351.

493. What is the **initiative**? What is the **referendum**? 347, 348.

494. Should the President be elected by the popular vote? 350.

495. How is an impeachment trial conducted? 196. What was the most noted impeachment trial in American political history? 353. Can you tell of any instances in the history of other countries?

496. Point out an important distinction between the Constitution of the United States and the constitution of Pennsylvania. 355, 388.

497. What words in the Constitution of the United States reveal the Federal feature? 388, 397.

498. What recognition do the records and laws of one State receive in the other States? 396. S and T.

499. What provision did the makers of the Constitution insert in that document to insure the payment of the old debts of the United States which had been contracted previous to 1789? X, 397.

500. Name the present Chief Justice of the Supreme Court of the United States. 404.

501. What is the difference between a pure democracy and a representative democracy? 5, g10.

502. Why is a pure democracy necessarily limited to a small territory and a small number of people? 5.

503. Is the county government in Pennsylvania a representative democracy, or a pure democracy? 5, 52.

504. Why is a residence qualification required? 10, 111.

505. What is meant by **reciprocity?** g40.

506. In what instances has the State of Pennsylvania been invaded? 12, 354.

507. What are the advantages of local self-government over centralized government? 27, 36.

508. Why are special city courts necessary or desirable? 46.

509. What is the object of having more than one party represented on the board of county commissioners? 53, 60.

510. Why should mortgages, deeds, and other like documents be officially recorded? 56.

511. If a man steals and is prosecuted, who becomes the plaintiff? 56.

512. Why should not a person be allowed to fill the office of county treasurer two or more terms in succession? 57, 80.

513. Why should not the judicial power be entrusted to the General Assembly or to the Governor? 61, 252.

514. Why not vest the executive power as well as the legislative power in the General Assembly? 61, 252.

515. Which is better, a written or an unwritten constitution? 62, 177, 289.

516 What are the provisions of the Constitution and laws of the United States in regard to the election of Federal Senators? 70, 193, 270.

517. Why should the lieutenant-governor's right to vote in the Senate be limited? 73.

518. Why should the Governor be a member of so many State boards? 87.

519. Why is one jury called the grand jury, the other the petit jury? 93, 94.

520. Why not leave the questions of law to the jury as well as the questions of fact? 93, 103.

521. Why make use of a wheel in drawing a jury panel? 95.

522. What is meant by subpœnaing a witness? 96, g48.

523. What is a "straight ticket"? 115.

524. What arguments would you advance in favor of registration of voters? 112, 121.

525. In what instances has the militia of Pennsylvania been called into the National service?

526. Why should the people elect the auditor-general and the State-treasurer?

527. Why should the senate's confirmation of the Governor's nominations be required?

528. Give an account of the process called naturalization. 124, 125, 206.

529. When has direct taxation been imposed in the United States? 203.

530. How came Texas to belong to the United States? 206.

531. What immediate causes led to the Continental Congress?

532. What was the nature and the extent of the authority of the Continental Congress?

533. Why should a voter be a citizen of the United States? 9, 206.

534. What is meant by a tariff for revenue only? g49, 204.

535. Why was a Federal judiciary deemed necessary? 252.

536. What effect does the separation of the powers of government into three distinct departments have upon the security of the rights of the people? 61, 252, 272.

537. Give a sketch of the organization of the Federal judiciary. 253-258.

538. Wherein is the Supreme Court the most original of American institutions? 254, 255.

539. When two States of the Federal Union disagree, what solution of the difficulty is possible? 254.

540. (a) What was the purpose of the framers of the Constitution in providing that the President should be chosen by Electors rather than by popular vote? (b) Has their purpose been realized in this matter? (c) Give reasons for your answers. 230, 350.

541. (a) Who, according to the Constitution, are citizens of the United States? (b) What law, with reference to citizens of the United States, is each State forbidden by the Constitution to make? 8, 9, 111, 226, 283, 284.

542. What has been the uniform method of adopting amendments to the National Constitution? 267.

543. Give reasons for and against educational qualifications for suffrage. 284, 323.

544. Why are governments necessary? 1, 4, 6.

545. What is the object in having two branches of the State Legislature? 175, 189.

546. (a) State the general duties of the attorney-general of this State; (b) his term of office. 79.

547. Give the general duties of inspectors of election. 114, 121.

548. (a) Name the various forms of government known to history. (b) State which of these are now in existence.

549. Define the following terms used in the Constitution: Electors; oath; affirmation; judgment. 97, 193, 226; g1, 12, 28, 32.

550. What are the conditions of eligibility to the United States Senate? The House of Representatives? By whom are our Senators chosen? 70, 191, 194, 195, 199.

551. What is meant, in speaking of courts, by **original** and **appellate** jurisdiction? 98, 106, 253, 255; g24.

552. What does the Constitution say about naturalization? What are the laws on the subject? 10, 124, 206.

553. What amendments to the Federal Constitution grew out of the issues of the Civil War? State the substance of each of these amendments. 282-285.

554. Define (a) treason; (b) letters of marque and reprisal; (c) the writ of **habeas corpus.** 215, 219, 259; g19.

555. How may a bill become a law? How may a State be admitted into the Union? 68, 69, 201.

556. What is a State? g47, 266.

557. By what authority is the State divided into Congressional districts? 71.

558. Name three qualifications that a voter at our State elections must have. 111, 112.

559. If an elector own land in several States, can he vote in them all? What facts determine his legal residence? 10, 112.

560. Can a State make a treaty with another State or nation? Give reasons for your answer. 222, 237, 269.

561. (a) What is an extradition treaty? (b) What is an ex post facto law? 260, 261, g14.

562. What is the right of suffrage? Is it a natural or a civil right? 111.

563. Name the three departments of the government, and state briefly the duties of each. 61, 186, 187.

564. It is proposed to elect United States Senators by a direct vote of the people. How must the requisite Constitutional change be made? 267.

565. What are consuls? What are their duties? 237, 247, 258

566. Tell when, where, and by whom the following States were first settled: Pennsylvania, New York, Maryland, Virginia 17.

567. When and where did the first Continental Congress meet State at least one thing that they did. 174.

568. Why were the Articles of Confederation displaced by the present Constitution? 224, 252, 288.

569. Explain definitely what is meant by the "Monroe Doctrine." 294, 306, 307.

570. What was the cause of the war between the United States and Spain? What was gained in this war by the United States? 263, 315.

571. What was the great issue of the last presidential campaign? What is likely to be the issue of the next campaign? g4

572. Name one important law passed by the the last Legislature in Pennsylvania affecting the public school system.

573. How many United States District Courts are there in this State? In which circuit of the Federal courts is this State located? 255, 256.

574. What other officers besides the judges are connected

vith the United States courts? What are their duties? How re they chosen? 257, 314.

575. Who is the sheriff of this county? What are his duties? How was he chosen? What is his term of service? 53.

576. A certain town wishes to construct a sewer system, but as no money for that purpose. In what two ways may it legally proceed to obtain the required funds? Which would be the better plan? 138.

577. Do you think that the government of the people of the United States would be a more perfect government if there were only political party in the country? If not, for what reason? 127.

578. Should the President be elected by popular vote? 350.

579. Has the government of the United States the right to become the owner of the railroad and telegraph lines of the country? 302.

580. Is rotation in office conducive to the most desirable results in a republican form of government? 248, 294, 316.

581. Would Congress be justified at any time in appropriating the surplus in the National Treasury to the payment of the debts of the States? 268.

582. Would the union of the United States and Canada promote the welfare of the people of these two countries? were only one political party in the country? If not, for what reason? 127.

583. How does Pennsylvania rank among the States of the Union? 13. Give the boundaries of Pennsylvania. 13.

584. What can you say concerning its charter boundaries? 14.

585. Who was the founder of the colony? 15. What treaty was made with the Indians? 16.

586. Describe the Mason and Dixon Line. When was this line surveyed? When was it completed? 15.

587. What was the form of the early government of the State or colony? 18.

588. What two-fold foundation for government did Penn's Frame of Government reveal? 18.

589. What were some of the provisions of the first frame of government? 19.

590. Fill out the following scheme for the executive department of Pennsylvania.

Officer	Name	Elected or App'n'd	Term	Salary	Duties
Governor					
Lieut.-governor					
Sec. of the Com'n'lth					
Sec. of Internal Aff.					
Treasurer					
Auditor-General					
Attorney-General					
Supt. Public Instrc.					
Sec. of Agriculture					

591. Distinguish between the Council and the General Assembly. 19. Who composed the first Council? 20.

592. Outline the powers of the Council. What three great departments of government were largely centered in the Provincial Council? 19.

593. Give some of the principal features of the "Great Law." 20.

594. What new idea in prison management was proposed?

595. What educational requirement gave dignity to manual labor? 21.

596. What were the results of the new form of government established by Penn? 21.

597. What was the "Charter of Privileges"?

598. What attempts were made to change the province to a royal colony? 21, 22.

599. What were the provisions of the Frame of 1701? 22.

600. To what extent was religious freedom granted, and how was it made inviolate? 22.

601. Did Penn make his province a free commonwealth in 1682 or in 1701?

602. How many legislative houses were there in the General Assembly of 1701? 22.

603. When did Penn return to England? What controversies arose?

604. When did Penn die?

605. Who succeeded to his interests? When did the proprietorship cease? 23. What was done in 1779? 23. In 1790? 291.